

From: Lee, Monica
Sent: Wednesday, December 16, 2015 11:46 AM
To: Tiffany Stecker
Subject: RE: EPA POC for water stories

Here's you go:

Statement:

EPA and the Army, the two Agencies responsible for writing and implementing the rule, call it the Clean Water Rule and have done so for almost a year and a half. It's the name we use on our websites and how it's referred to in the Federal Register. We are updating the Clean Water Act with a rule, hence the name, Clean Water Rule. It's as simple as that.

Certain people still opposed to the rule call it WOTUS in an attempt to make it appear as if we are regulating all waters in the United States, which is not true in the slightest. It's a scare tactic used by those looking to politicize the issue of providing clean water to all Americans.

From: Tiffany Stecker [<mailto:tstecker@eenews.net>]
Sent: Tuesday, December 15, 2015 12:48 PM
To: Lee, Monica <Lee.Monica@epa.gov>
Subject: RE: EPA POC for water stories

Hi Monica,

Could I get an on the record quote on why EPA is encouraging reporters to use "Clean Water Rule" instead of "WOTUS"? Story deadline is tomorrow, at noon. Thanks!

Tiffany

From: Tiffany Stecker
Sent: Friday, December 11, 2015 4:39 PM
To: Lee, Monica <Lee.Monica@epa.gov>
Subject: Re: EPA POC for water stories

Hi Monica,

The response from my editor was "write a story about it." If you'd like to give us an on-record interview about the use of "Clean Water Rule" vs. "WOTUS," that would be great. I'm out today and Monday, but hope to write the story for Wednesday's edition.

On Dec 11, 2015, at 12:48 PM, Lee, Monica <Lee.Monica@epa.gov> wrote:

Any update? I want to be sure that if a follow up conversation with your editors is necessary, we have time to do that.

Thanks,

From: Lee, Monica

Sent: Thursday, December 10, 2015 4:58 PM

To: 'Tiffany Stecker' <tstecker@eenews.net>

Subject: RE: EPA POC for water stories

Quick answers below for background purposes.

From: Tiffany Stecker [<mailto:tstecker@eenews.net>]

Sent: Thursday, December 10, 2015 4:16 PM

To: Lee, Monica <Lee.Monica@epa.gov>

Subject: Re: EPA POC for water stories

Thanks Monica. My editor Cy wants me to write a story about this for next Tuesday (tentative). Some questions:

How long have you been asking media to use Clean Water Rule instead of WOTUS?

- Close to a year and a half

The administration has only begun calling it the "Clean Water rule" since the final rule was released.

Why did EPA/Army Corps wait so late in the rulemaking to use that name?

- We started calling it the Clean Water Rule last summer, I think around 9 months before the final rule was put out. WOTUS is a jargon-y word that appears rule to refer to the waters throughout the country that the rule examines. It was used as a placeholder in the beginning stages of the proposal.

What is incorrect about saying Waters of the US, or WOTUS?

- Again, it's a more jargon-y term that pulls language from the rule, but is not used on our website or in the federal register to refer to the rule.

Is there a precedent at EPA for this name change?

- 111(d) changed to Clean Power Plan during the proposal stage as well.

On Dec 10, 2015, at 1:42 PM, Lee, Monica <Lee.Monica@epa.gov> wrote:

Circling back – I'd still like to connect with your editors.

Thanks,

From: Tiffany Stecker [<mailto:tstecker@eenews.net>]

Sent: Tuesday, December 08, 2015 5:35 PM

To: Lee, Monica <Lee.Monica@epa.gov>

Subject: RE: EPA POC for water stories

Hi Monica,

Thanks for your note. Indeed, I am Annie's replacement on the water beat here at E&E. I have plans to meet with Robert D. next week to talk about water at EPA.

I sent your request to our copy editors, who advised me to continue to use "Waters of the U.S." unless "Clean Water Rule" is in quotes. I will defer to their choice, since they edit the stories. Personally, I think that if no one had a problem switching from "111(d)" to "Clean Power Plan," the same should apply for the water rule.

Best wishes,

Tiffany

Tiffany Stecker
Water reporter
Environment & Energy Publishing
(202) 446-0465 - Desk
(202) 701-6801 - Cell

From: Lee, Monica [Lee.Monica@epa.gov]
Sent: Tuesday, December 08, 2015 4:40 PM
To: Tiffany Stecker
Subject: EPA POC for water stories

Tiffany –

With Annie gone, it seems like you’re writing the majority of the stories that focus on EPA’s office of water. I wanted to send a reminder I sent to Annie shortly before she left – that the proper name for the Clean Water Rule is not WOTUS. The two agencies responsible for writing and implementing the rule refer to it as the Clean Water Rule, and we’d appreciate the reporters who write on our issues to do the same.

Let me know if you have any questions, and for future stories involving EPA’s office of water, feel free to reach out directly to me.

Thanks,

Monica Lee
Deputy Press Secretary
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202-564-0645
Cell: 202-713-6902
lee.monica@epa.gov

From: Lee, Monica
Sent: Monday, December 14, 2015 4:54 PM
To: Timothy Cama
Subject: RE: GAO ruling on WOTUS

Tim – wanted to follow up on one point from your story.

It also said the EPA broke the law with a blog post that linked to two environmental groups' pages urging readers to contact members of Congress to oppose legislation.

In the report, GAO wrote that they agree they cannot be certain that at the time EPA linked to the non-profit websites that an action prompt to contact Congress even existed (pg. 23 and 25)

Give me a call if you want to talk through, but I think that's a significant point to make.

Also, can you call this rule by the official name we use and EPA and Army: Clean Water Rule? It hasn't been WOTUS for almost a year and a half now.

Thanks.

From: Lee, Monica
Sent: Monday, December 14, 2015 3:50 PM
To: Harrison, Melissa <Harrison.Melissa@epa.gov>; Timothy Cama <tcama@thehill.com>
Subject: RE: GAO ruling on WOTUS

Statement and background below. Also attached is our letter to GAO from August.

Statement

We disagree with their assessment, and we will fulfill whatever reporting requirements are necessary.

We maintain that using social media to educate the public about our work is an integral part of our mission. We have an obligation to inform all stakeholders about environmental issues and encourage participation in the rulemaking process. We use social media tools just like all organizations to stay connected and inform people across the country about our activities.

Our social media activity simply directed the recipient to the general webpage about the Clean Water Rule. EVERY stakeholder and EVERY stakeholder group --- whether they supported or opposed the rule --- was provided the same link to the general webpage on education and outreach materials, emails, and presentations, and were told the deadline for submitting public comments and how to do so.

At no point did the EPA encourage the public to contact Congress or any state legislature.

The purpose of seeking comment on the Clean Water Rule and all such proposals is to invigorate the process with new information and new perspectives. The public comment process is not only required by law, in this instance, but most often leads to stronger and better rules, based on science and the law. The agency learns from an engaged citizenry, and to do this, we ask for their input.

Additional Points from GAO Opinion

- GAO agrees that EPA's #DitchtheMyth was legal under the provisions
- GAO agrees that EPA's #CleanWaterRules was legal under the provisions
- GAO agrees that EPA did not mention any specific legislation in any of its social media

Why did this rule in the first place.

The Clean Water Rule was developed by BOTH EPA and the Army Corp to respond to an urgent need to improve and simplify the process for identifying waters that are and are not protected under the Clean Water Act, and is based on the latest science and the law. The Clean Water Rule represents the agencies' continuing commitment to protecting and restoring the nation's water resources that are vital for our health, environment, and economy.

One in three Americans get drinking water from streams that lacked clear protection from pollution without the Clean Water Rule. The final rule helps protect 117 million Americans' health. Major economic sectors—from manufacturing and energy production to agriculture, food service, tourism, and recreation—depend on clean water to function and flourish. Without clean water, business grinds to a halt. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Impacts from climate change like more intense droughts, storms, fires, and floods—not to mention warmer temperatures and sea level rise—threaten our water supplies. But healthy streams and wetlands can protect communities by trapping floodwaters, retaining moisture during droughts, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife.

From: Harrison, Melissa
Sent: Monday, December 14, 2015 3:31 PM
To: Timothy Cama <tcama@thehill.com>
Cc: Lee, Monica <Lee.Monica@epa.gov>
Subject: Re: GAO ruling on WOTUS

Tim-Monica will get you something soon.

Melissa J. Harrison
Press Secretary
U.S. Environmental Protection Agency
Office: (202) 564-8421
Mobile: (202) 697-0208
Harrison.Melissa@epa.gov

On Dec 14, 2015, at 2:37 PM, Timothy Cama <tcama@thehill.com> wrote:

Hey Melissa-

Do you folks want to weigh in on the GAO ruling on WOTUS?

Thanks.

--
Timothy Cama, Staff writer
The Hill

(202) 695-6245 | www.thehill.com

PGP key fingerprint: B827 330E E900 FBEA 9629 662A 5B3A 1DCC B99D 186E

From: Lee, Monica
Sent: Friday, December 11, 2015 3:48 PM
To: Tiffany Stecker
Subject: RE: EPA POC for water stories

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Water reporter

Environment & Energy Publishing

(202) 446-0465 - Desk

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From: Lee, Monica [Lee.Monica@epa.gov]

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Subject: EPA POC for water stories

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Let me know if you have any questions, and for future stories involving EPA's office of water, feel free to reach out directly to me.

Thanks,

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

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U.S. Environmental Protection Agency
Office: 202-564-0645
Cell: 202-713-6902
lee.monica@epa.gov

From: Lee, Monica
Sent: Tuesday, December 08, 2015 5:39 PM
To: Tiffany Stecker
Subject: RE: EPA POC for water stories

Thanks Tiffany. I'm happy to talk to your editors and explain our side.

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Deputy Press Secretary
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202-564-0645
Cell: 202-713-6902
lee.monica@epa.gov

From: Lee, Monica
Sent: Tuesday, December 08, 2015 4:41 PM
To: tstecker@eenews.net
Subject: EPA POC for water stories

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Monica Lee
Deputy Press Secretary
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202-564-0645
Cell: 202-713-6902
lee.monica@epa.gov

From: Lee, Monica
Sent: Tuesday, December 08, 2015 4:36 PM
To: asnider@politico.com
Subject: a couple reminders

Annie –

Now that you're settled at Politico, I wanted to shoot you a quick reminder that I'm still your POC for EPA office of water questions. Your story yesterday on the Clean Water Rule didn't have a quote from us, and no one in EPA public affairs got a note from you. We may be at a bit of a standstill right now, but we deserve the opportunity to provide a reaction to what you're planning to write.

I also wanted to follow up on my note from a couple weeks ago, asking you to refer to the Clean Water Rule by its proper name, instead of WOTUS. If you need me to explain this to your editor, I'm happy to do that. It's important that people are getting accurate information, and that includes assigning accurate terminology to the rule itself.

Thanks,

Monica Lee
Deputy Press Secretary
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202-564-0645
Cell: 202-713-6902
lee.monica@epa.gov

From: Lee, Monica
Sent: Wednesday, November 18, 2015 3:16 PM
To: Annie Snider
Subject: RE: Deadline reprieve on WOTUS schedules story

Quick follow up – can you ask whomever takes over the water beat at EE to call the rule by it's appropriate name, the Clean Water Rule, and not Waters of the US?

From: Annie Snider [mailto:asnider@eenews.net]
Sent: Tuesday, November 17, 2015 2:08 PM
To: Lee, Monica <Lee.Monica@epa.gov>
Subject: RE: Deadline reprieve on WOTUS schedules story

Oops, sorry Monica, I had a note to you about this earlier that I never actually hit 'send' on. My editors held it another day with all the news happening. I'm sorry – 98 percent of the time they want the story ASAP, but the other 2 percent of the time it's a hurry up to wait like this.

From: Lee, Monica [mailto:Lee.Monica@epa.gov]
Sent: Tuesday, November 17, 2015 4:43 PM
To: Annie Snider <asnider@eenews.net>
Subject: RE: Deadline reprieve on WOTUS schedules story

Haven't seen the story run – any update?

From: Annie Snider [mailto:asnider@eenews.net]
Sent: Monday, November 16, 2015 11:42 AM
To: Lee, Monica <Lee.Monica@epa.gov>
Cc: Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: RE: Deadline reprieve on WOTUS schedules story

Thanks, Monica. Attributable to you?

From: Lee, Monica [mailto:Lee.Monica@epa.gov]
Sent: Monday, November 16, 2015 2:40 PM
To: Annie Snider <asnider@eenews.net>
Cc: Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: RE: Deadline reprieve on WOTUS schedules story

Below are responses to the questions you sent over. Let me know if you need anything else.

- 1- **What is the appropriate role for an agency like USDA, with no regulatory role under the Clean Water Act but a relationship to one of the regulated communities, to play in this rulemaking process?**
You should reach out to USDA for comment.
- 2- **All of the meetings and phone calls I reference are listed on the official schedules we received under FOIA, but please let me know if any of them did not actually happen, or were substantively different in terms of length or attendees than how they appear on the schedules.**

Nothing to add here

- 3- **For all of the meetings named above, I am interested in comment about what the conversations covered.**
The Administrator and Secretary Vilsack regularly discuss issues of mutual interest to their respective agencies, which have broad portfolios of work. Ag was and is a key stakeholder group CWR discussions, and that's why EPA did considerable outreach with the ag community.
- 4- **Specifically for the March 10, 2015 meeting at Vilsack's office: this was roughly the time that the corps memos say the idea of distance limits in the rule first hit their radar. Was this meeting where those changes were decided? Also, Darcy does not appear on the schedules for this meeting. Please confirm that she did not attend.**
We do not have a readout of that particular meeting. The Department of the Army should be asked about Ms. Darcy's calendar.
- 5- **Were key changes made in the final version of the rule – for instance the distance limits – discussed with outside environmental groups like NWF and NRDC before the rule was finalized?**
In developing the rule, the agencies held more than 400 meetings with stakeholders across the country, reviewed over one million public comments, and listened carefully to perspectives from all sides. A number of the changes to the final rule were made in response to input from the agricultural community.

Feedback from the agricultural community led us to define tributaries more clearly. The rule is precise about the streams being protected so that it can't be interpreted to pick up erosion in a farmer's field. The rule says a tributary has to show physical features of flowing water to warrant protection.

We also got feedback that our proposed definition of ditches was confusing. We're only interested in the ones that act like tributaries and could carry pollution downstream—so we changed the definition in the final rule to focus on tributaries. *So ditches that are not constructed in streams and that flow only when it rains are not covered.*

We've also provided certainty in how far safeguards extend to nearby waters—the rule sets physical, measurable limits for the first time. For example, an adjacent water is protected if it's within the 100-year floodplain *and* within 1,500 feet of a covered waterway. By setting bright lines, agricultural producers and others will know exactly where the Clean Water Act applies, and where it doesn't.

See more at: <http://blogs.usda.gov/2015/05/27/protecting-clean-water-while-respecting-agriculture/#sthash.uz0yDo0F.dpuf>

- 6- **Were these changes partially aimed at concerns raised by Vilsack?**
We do not have a readout of that particular meeting.
- 7- **Why did NFU and DU get so much attention? How much of this was an effort to win their endorsement of the rule?**
In developing the rule, the agencies held more than 400 meetings with stakeholders across the country and reviewed over one million public comments from farmers, manufacturers, business owners, hunters and anglers, and others. The input helped EPA understand the genuine concerns and interests of a wide range of stakeholders and think through options to address them. The final rule reflected changes based on those comments, consistent with the law and the science.

Read more about the importance of education and outreach: <https://blog.epa.gov/blog/2015/05/the-importance-of-education-and-outreach/>

And visit this link to read statements of support from a broad range of groups:

http://www2.epa.gov/sites/production/files/2015-05/documents/statements_clean_water_rule.pdf

From: Annie Snider [<mailto:asnider@eenews.net>]
Sent: Monday, November 16, 2015 7:52 AM
To: Lee, Monica <Lee.Monica@epa.gov>
Cc: Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: Deadline reprieve on WOTUS schedules story

Hi Monica – just wanted to let you know that it looks like my editors are holding the story a day, so there's a little more time to get me comment. They'll be editing this afternoon, so I need to have it all wrapped up by 2pm eastern at the latest. Hope this helps –

Annie

Annie Snider
Reporter
asnider@eenews.net
202-446-0411 (p)
202-737-5299 (f)

Environment & Energy Publishing, LLC
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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

From: Lee, Monica
Sent: Friday, August 28, 2015 1:45 PM
To: Harrison, Melissa;Kiah Collier
Subject: RE: Press request — The Texas Tribune

Hi Kiah – the link you asked about refers to the Clean Water Rule, or WOTUS as some folks call it. Same thing.

Here's our statement:

The Clean Water Rule is fundamental to protecting and restoring the nation's water resources that are vital for our health, environment, and economy. EPA and the Department of the Army have been preparing to implement the rule on the effective date of August 28.

Since publication of the rule in the *Federal Register*, numerous lawsuits were filed challenging the regulation, and several parties sought preliminary injunctions to delay implementation of the rule. This week, United States District Courts in Georgia and West Virginia agreed with the Agencies that legal challenges to the Rule could only be brought in the United States Court of Appeals for the 6th Circuit and therefore denied the requests for preliminary injunction. On August 27, the District Court for North Dakota found that it had jurisdiction and granted the request of a number of States and issued a decision preliminarily enjoining the Clean Water Rule.

Under the order issued by the District Court of North Dakota, the parties that obtained the preliminary injunction are not subject to the new rule, and instead continue to be subject to the prior regulation. In light of the order, EPA and the Army Corps of Engineers will continue to implement the prior regulation in the following States: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming.

In all other respects, the rule is effective on August 28. The Agencies are evaluating these orders and considering next steps in the litigation.

As EPA and the Army Corps of Engineers implement the Clean Water Rule, the agencies are taking additional steps to increase transparency, respond to information requests, and streamline permitting. Read more:<https://blog.epa.gov/blog/2015/07/implementation-of-the-clean-water-rule/>

Protection for about 60 percent of the nation's streams and millions of acres of wetlands has been confusing and complex as the result of Supreme Court decisions in 2001 and 2006. The Clean Water Rule protects streams and wetlands that are scientifically shown to have the greatest impact on downstream water quality and form the foundation of our nation's water resources. EPA and the U.S. Army are ensuring that waters protected under the Clean Water Act are more precisely defined, more predictable, easier for businesses and industry to understand, and consistent with the law and the latest science.

Clean water is vital to our health, communities, and economy. We need clean water upstream to have healthy communities downstream. The health of rivers, lakes, bays, and coastal waters depend on the streams and wetlands where they begin. Streams and wetlands provide many benefits to communities by trapping floodwaters, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife. People depend on clean water for their health: About 117 million Americans -- one in three people -- get drinking water from streams that were vulnerable to pollution before the Clean Water Rule. Our cherished way of life depends on clean water: healthy ecosystems provide wildlife habitat and places to fish, paddle, surf,

and swim. Our economy depends on clean water: manufacturing, farming, tourism, recreation, energy production, and other economic sectors need clean water to function and flourish.

Additional information is at www.epa.gov/cleanwaterrule

From: Harrison, Melissa
Sent: Friday, August 28, 2015 10:40 AM
To: Kiah Collier
Cc: Lee, Monica
Subject: Re: Press request — The Texas Tribune

Hi Kiah! Monica cc'd here will follow up with you. Thanks!

Melissa Harrison
Press Secretary
EPA
Office: (202) 564-8421
Mobile: (202) 697-0208
Harrison.Melissa@epa.gov

On Aug 28, 2015, at 1:34 PM, Kiah Collier <kcollier@texastribune.org> wrote:

Hi Melissa,

Could you please send the statement/information on the EPA's plans to still enforce the WOTUS rule in states (like Texas) not involved in the legal challenge heard in North Dakota yesterday?

Also, is this web page about WOTUS or some other rule?: <http://www2.epa.gov/cleanwaterrule/what-clean-water-rule-does>

Thank you!

Kiah Collier
The Texas Tribune, Reporter
823 Congress Ave., Suite 1400 Austin, TX 78701
www.texastribune.org

M (512) 304-5049 **O** (512) 716-8606 **F** (512) 716-8601

Twitter: [@kiahcollier](https://twitter.com/kiahcollier)

<texas-tribune-logo-s.jpg>

From: Lee, Monica
Sent: Tuesday, August 25, 2015 1:15 PM
To: Jenny Hopkinson (JHopkinson@politico.com)
Subject: FW: Politico story on CWR

Hey Jenny – can you change the headline to say Clean Water Rule instead of WOTUS? Folks have been using that for almost a year now.

I'm glad Ken's voice is in there, but especially with the random corn growers quote at the end, I'd hope you'd balance it out by talking to NRDC, Trout Unlimited, NWF, ASBC, any of the groups that have been hugely supportive of the CWR. Obviously there's a lot happening on the legal front, but we have as much support as we do opposition.

Let me know when you plan to write again, and I'll make sure you have the most recent statements from us. And if you need to talk to Ken again, I can try to make that happen too.

Thanks,

Monica Lee
Environmental Protection Agency
Region 9, San Francisco
Direct: 415-972-3165
Cell: 202-713-6902
lee.monica@epa.gov

All eyes on courts with WOTUS rule set to kick in Friday

By [JENNY HOPKINSON](#)

8/24/15 10:53 AM EDT

With EPA's controversial Clean Water Rule set to go into effect on Friday, all attention is now on the courts.

Federal judges in Georgia, North Dakota and West Virginia are mulling injunction requests from some of the 31 states and dozens of industry groups that have sued to block the rule with at least one judge on the record about her intention to issue a decision by Friday.

The rule seeks to clarify which waterways are overseen by the federal government. The current standard has long been a source of confusion and the Supreme Court has had to weigh in twice. The Obama administration set out to [clarify](#) the issue in early 2014, releasing a proposed rule that it said would make clear the reach of federal oversight and preserve long held exemptions for agriculture.

Farm groups, energy companies and many other sectors were quick to pan the rule, however, calling it a federal land grab since they argue its provisions would cover every puddle and ditch. Their lawsuits allege the measure violates the Clean Water Act and several other federal statutes.

A decision on an injunction request will likely first come from Chief Judge Lisa G. Wood in the Southern District of Georgia, who heard arguments in the case there earlier this month. Wood, during the session, took issue with the federal government's statements that states would not be harmed by the rule and that the court should delay any action until the 13 lawsuits against it are consolidated in one court to avoid conflicting opinions.

"I am going to do something by [Aug. 28th](#)," Wood said during the hearing, according to a transcript.

The court in North Dakota heard arguments on the injunction Friday, but is unlikely to make a decision before the end of this week due to the case's briefing schedule. Murray Energy, the St. Clairsville, Ohio-based coal mining giant, meanwhile, was set to make its case for an injunction to a federal judge in West Virginia this morning.

If none of the requests for injunction are granted before Friday, EPA will start applying the rule to all new and pending applications for certain Clean Water Act permits.

Farmers, energy companies and others shouldn't expect any changes immediately if an injunction is not granted, said Gary Baise, an attorney with Olsson Frank Weeda Terman Matz and a former EPA general counsel. There will be no roving enforcement teams or thumping regulatory hammers on Friday, just the quiet bureaucratic review of how energy, mining and construction projects, among others, fall into the new requirements.

"What is the implication here on the 28th? Not a hell of a lot," said Baise. "We are not going to see tons of EPA officials out running around the countryside."

But Baise and other agriculture groups remain worried that, come spring, when farmers start planting and spreading fertilizer, that could change as environmentalists seek to use the new rules to force farmers to change their practices.

The threat really comes from provisions that allow citizens to sue potential polluters, said Don Parrish, senior director of regulatory relations for the American Farm Bureau Federation.

"In sensitive areas where environmentalists want to stop something, they are going to go to the courts," Parrish said.

Ken Kopocis, deputy assistant administrator for EPA's Water Office, said the agency was careful to take concerns into account when crafting its final rule. The measure should actually make it "simpler and easier and require fewer resources" to determine if a project needs a federal permit than it was under the old rule, he added.

Under the new rule, "we left agriculture effectively where they were under the old rule," Kopocis said, including creating protections for farms from environmentalist's lawsuits.

“We are very optimistic about the rule,” he said. “It works smoother, more efficiently and will do a better job of protecting those waters that need protecting.”

“When people have more experience with how the rule is implemented... we think they will find it to be a better situation” than the current standard.

Critics remain unconvinced, however, and are hoping that an injunction will also win them time to get Congress to make a permanent fix.

The Waters Advocacy Coalition, which includes the Farm Bureau and other agricultural groups, as well as energy, mining and construction industries, is making a last-minute push with Senate Democrats to win support for a bill that would require EPA to scrap the measure and start over following certain guidelines.

“There are a number of Democrats that are getting an earful” on the issue while at home in their districts for the August recess, the Farm Bureau’s Parrish said.

The bill, S. 1140, was introduced in April by Sen. John Barrasso (R-Wyo.) and would require EPA to withdraw the rule and consult with state and local governments before issuing a new one. The bill also includes definitions the agency must use for what constitute streams, isolated waters and certain other features.

The House in May passed a similar measure in a largely party-line vote. That bill, H.R. 1732, was introduced in April by Rep. Bill Shuster (R-Pa.).

The Senate legislation has gained the support of 43 lawmakers, though just three cosponsors are Democrats — Sens. Joe Donnelly (Ind.), Heidi Heitkamp (N.D.) and Joe Manchin (W.Va.).

That number needs to go up for the bill to gain passage. As a result, groups are putting pressure on many of the remaining 41 Democrats, including Sens. Amy Klobuchar and Al Franken of Minnesota, Michael Bennet of Colorado, Claire McCaskill of Missouri, and Mark Warner of Virginia. Maine independent Angus King is on the list of sought after votes, too.

What happens to the bill will “depend on how they come back,” Parrish said, referring to the Democrats. While the measure is unlikely to move as a stand-alone measure, Parrish said supporters are eyeing other legislation, including a highway bill set to come up in October and spending bills set for debate this fall.

The efforts, the injunctions and lobbying of lawmakers, are all aimed at getting “the rule withdrawn by any means necessary,” said Jennifer Myers, a spokeswoman with the National Corn Growers Association. “We need it to go away.”

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8/24/15 10:53 AM EDT

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From: Purchia, Liz
Sent: Monday, December 14, 2015 4:54 PM
To: Amy Harder
Subject: RE: Statement on GAO

Also, GAO agrees that they cannot be certain that at the time EPA linked to the non-profit websites that an action prompt to contact Congress even existed (pg. 23 and 25)

From: Purchia, Liz
Sent: Monday, December 14, 2015 4:50 PM
To: 'Amy Harder' <amy.harder@wsj.com>
Subject: Statement on GAO

See below. I'd ask that you please refer to the rule as the Clean Water Rule not by WOTUS. That is language and a scare tactic that groups who are opposed to the rule intentionally use when putting out statements to make it appear as if we are regulating all waters in the United States, which is not true. This in turn, further politicizes the issue.

Statement

We disagree with their assessment, and we will fulfill whatever reporting requirements are necessary.

We maintain that using social media to educate the public about our work is an integral part of our mission. We have an obligation to inform all stakeholders about environmental issues and encourage participation in the rulemaking process. We use social media tools just like all organizations to stay connected and inform people across the country about our activities.

Our social media activity simply directed the recipient to the general webpage about the Clean Water Rule. EVERY stakeholder and EVERY stakeholder group --- whether they supported or opposed the rule --- was provided the same link to the general webpage on education and outreach materials, emails, and presentations, and were told the deadline for submitting public comments and how to do so.

At no point did the EPA encourage the public to contact Congress or any state legislature.

The purpose of providing information on the Clean Water Rule and all such proposals is to invigorate the process with new information and new perspectives. The public comment process is not only required by law, in this instance, but most often leads to stronger and better rules, based on science and the law. The agency learns from an engaged citizenry, and to do this, we ask for their input.

Additional Points from GAO Opinion

- GAO agrees that EPA's #DitchtheMyth was legal under the provisions
- GAO agrees that EPA's #CleanWaterRules was legal under the provisions
- GAO agrees that EPA did not mention any specific legislation in any of its social media

Why did this rule in the first place.

The Clean Water Rule was developed by BOTH EPA and the Army Corp to respond to an urgent need to improve and simplify the process for identifying waters that are and are not protected under the Clean Water Act, and is based on the latest science and the law. The Clean Water Rule represents the agencies' continuing commitment to protecting and restoring the nation's water resources that are vital for our health, environment, and economy.

One in three Americans get drinking water from streams that lacked clear protection from pollution without the Clean Water Rule. The final rule helps protect 117 million Americans' health. Major economic sectors—from manufacturing and energy production to agriculture, food service, tourism, and recreation—depend on clean water to function and flourish. Without clean water, business grinds to a halt. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Impacts from climate change like more intense droughts, storms, fires, and floods—not to mention warmer temperatures and sea level rise—threaten our water supplies. But healthy streams and wetlands can protect communities by trapping floodwaters, retaining moisture during droughts, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife.

Corrections for the NYT story:

It is called the Clean Water Rule, not Waters of the US rule. Just because other people don't use the correct title doesn't mean it should be reported that way.

The E.P.A. rolled out a social media campaign on Twitter, Facebook, YouTube, and even on more innovative tools such as Thunderclap to counter opposition to its water rule, which imposes new restrictions on how land near certain surface waters can be used. **The Clean Water Rule does not impose restrictions on land use. It defines what waters are protected under the Clean Water Act. This is in the preamble page 8: "The rule also does not regulate ... land use." The Clean Water Rule protects waters from pollution and destruction – it does not regulate land use. A Clean Water Act permit is only needed if a protected water is going to be polluted or destroyed.**

The agency separately violated the anti-lobbying law when one of its public affairs officers wrote a blog post saying he was a surfer and did not "want to get sick from pollution," and included a link button to an advocacy group urging the public to "tell Congress to stop interfering with your right to clean water." **The link was to a page about why surfers are vulnerable to pollution. Your wording is inaccurate. You cite from the report, the link in the blog went to a page about why surfers get sick. That page had a button. Your wording in the story suggests the link went to an advocacy action page.**

From: Purchia, Liz
Sent: Monday, December 14, 2015 4:33 PM
To: Nick Juliano;Matt Daily
Subject: FW: EPA defends campaign to promote water rule

Hi Nick and Matt - I'd like to make sure we get off on the right foot with Annie now that she's over at Politico. For some reason, she refuses to call the rule by it's name.

It's not "also known as the Clean Water Rule", that's the name of the rule. Yet in almost everything Annie writes she refers to it as the "Waters of the U.S. rule"

That is language and a scare tactic that groups who are opposed to the rule intentionally use when putting out statements to make it appear as if we are regulating all waters in the United States, which is not true in the slightest. This in turn, further politicizes the issue.

I know that Monica has gone back and forth with Annie on this. I'm sure you can appreciate where we're coming from.

The rule should be referred to by its actual name, not what others call it.

From: POLITICO Pro [mailto:politicoemail@politicopro.com]
Sent: Monday, December 14, 2015 4:23 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: EPA defends campaign to promote water rule

By Annie Snider

12/14/2015 04:20 PM EDT

EPA is defending its promotional campaign around its controversial water rule in the face of a government watchdog's conclusion that it broke federal law.

"We disagree with their assessment, and we will fulfill whatever reporting requirements are necessary," EPA spokeswoman Monica Lee said in a statement.

In a report released this afternoon, the Government Accountability Office concluded that certain aspects of the agency's media blitz for the Waters of the U.S. rule violated federal law blocking agencies from grassroots lobbying. The report came as lawmakers considering a policy rider to block the rule, also known as the Clean Water Rule.

Lee argued that the agency uses social media the same way any other organization does, and never directed the public to contact lawmakers.

"We maintain that using social media to educate the public about our work is an integral part of our mission," she said. "We have an obligation to inform all stakeholders about environmental issues and encourage participation in the rulemaking process."

To view online:

<https://www.politicopro.com/energy/whiteboard/2015/12/epa-defends-its-wotus-media-campaign-065013>

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This email was sent to purchia.liz@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

From: Purchia, Liz
Sent: Monday, December 14, 2015 4:15 PM
To: Daly, Matthew
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

It's also important to point out

- GAO agrees that they cannot be certain that at the time EPA linked to the non-profit websites that an action prompt to contact Congress even existed (pg. 23 and 25)

From: Purchia, Liz
Sent: Monday, December 14, 2015 4:02 PM
To: 'Daly, Matthew' <MDaly@ap.org>
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

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The agency separately violated the anti-lobbying law when one of its public affairs officers wrote a blog post saying he was a surfer and did not "want to get sick from pollution," and included a link button to an advocacy group urging the public to "tell Congress to stop interfering with your right to clean water." **The link was to a page about why surfers are vulnerable to pollution. Your wording is inaccurate. You cite from the report, the link in the blog went to a page about why surfers get sick. That page had a button. Your wording in the story suggests the link went to an advocacy action page.**

From: Daly, Matthew [<mailto:MDaly@epa.org>]
Sent: Monday, December 14, 2015 3:58 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

Yes I am.

From: Purchia, Liz [<mailto:Purchia.Liz@epa.gov>]
Sent: Monday, December 14, 2015 3:56 PM

To: Daly, Matthew; Harrison, Melissa
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

You're not writing on this are you?

From: Daly, Matthew [<mailto:MDaly@ap.org>]
Sent: Monday, December 14, 2015 3:55 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: FW: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

Do you have comment on GAO ruling that EPA violated law in water rule media campaign?

From: Republicans, EPW (EPW) [mailto:EPW_Republicans@epw.senate.gov]
Sent: Monday, December 14, 2015 2:33 PM
Subject: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

FOR IMMEDIATE RELEASE:

Contact:

Kristina Baum 202.224.6176

Donelle Harder 202.224.4721

Link to Press Release

Inhofe Statement on EPA Illegal Propaganda, Lobbying

WASHINGTON – U.S. Sen. Jim Inhofe (R-Okla.), chairman of the U.S. Senate Environment and Public Works (EPW) Committee, today released a statement after the Government Accountability Office (GAO) published its legal decision that the U.S. Environmental Protection Agency (EPA) violated prohibitions on the use of taxpayer dollars for covert propaganda and unauthorized publicity as well as for indirect or grassroots lobbying against legislation concerning EPA's controversial Waters of the U.S. (WOTUS) rule:

"GAO's finding confirms what I have long suspected, that EPA will go to extreme lengths and even violate the law to promote its activist environmental agenda. Courts have already raised questions about the legality of the Waters of the U.S. rule and have temporarily halted it from going into effect. EPA officials act as if the law does not apply to them, but this GAO opinion should serve as another reminder that EPA officials are not above the law. GAO's determination that EPA violated the ban on covert propaganda and grassroots lobbying is especially troubling. EPA's illegal attempts to manufacture public support for its Waters of the United States rule and sway Congressional opinion regarding legislation to address that rule have undermined the integrity of the rulemaking process and demonstrated how baseless this unprecedented expansion of EPA regulatory authority really is. This opinion from GAO also bolsters our oversight of EPA in other areas, as we continue to investigate and raise questions about the process EPA used to develop the Clean Power Plan and its coordination with environmental activists groups."

Background:

In April, Inhofe first requested GAO review EPA's use of social media, including the Thunderclap platform, to promote the WOTUS rule to determine whether it violated Congressional prohibitions against grassroots lobbying (including restrictions contained in annual appropriations laws). During the course of its review, GAO expanded its inquiry at Inhofe's request to also examine whether EPA's activities constituted prohibited covert propaganda or publicity.

On May 22, Inhofe joined Senators Dan Sullivan (R-Alaska) and M. Michael Rounds (R-S.D.) in sending a letter to EPA requesting documents and information about EPA's use of social media. On Aug. 5, Inhofe and Senator James Lankford

(R-Okla.) sent a separate document request letter to EPA seeking additional information about the publicity campaign for the WOTUS rule.

The GAO legal decision found EPA's publicity campaign on Thunderclap constituted covert propaganda, and an EPA website linking to Natural Resource Defense Council and Surfrider Foundation websites encouraging the public to contact Congress violated restrictions on indirect or grassroots lobbying. In identifying these violations, GAO also determined EPA violated the Antideficiency Act, which prohibits U.S. government employees from spending government funds unless authorized by law.

Highlights of the GAO legal decision include:

Page 12: "As explained below, we conclude that EPA's use of Thunderclap constitutes covert propaganda, in violation of the publicity or propaganda prohibition."

Page 24: "We conclude that EPA violated the anti-lobbying provisions contained in appropriations acts for FY 2015 when it obligated and expended funds in connection with establishing the hyperlinks to the webpages of environmental action groups."

Page 26: "Because EPA obligated and expended appropriated funds in violation of specific prohibitions, we also conclude that EPA violated the Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A), as the agency's appropriations were not available for these prohibited purposes."

To view the full GAO legal decision, [click here](#).

###

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[IP_US_DISC]

msh dccc60c6d2c3a6438f0cf467d9a4938

From: Purchia, Liz
Sent: Monday, December 14, 2015 4:02 PM
To: Daly, Matthew
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying
Attachments: 2015 8 7 EPA response to GAO re social media.pdf

Statement

We disagree with their assessment, and we will fulfill whatever reporting requirements are necessary.

We maintain that using social media to educate the public about our work is an integral part of our mission. We have an obligation to inform all stakeholders about environmental issues and encourage participation in the rulemaking process. We use social media tools just like all organizations to stay connected and inform people across the country about our activities.

Our social media activity simply directed the recipient to the general webpage about the Clean Water Rule. EVERY stakeholder and EVERY stakeholder group --- whether they supported or opposed the rule --- was provided the same link to the general webpage on education and outreach materials, emails, and presentations, and were told the deadline for submitting public comments and how to do so.

At no point did the EPA encourage the public to contact Congress or any state legislature.

The purpose of providing information on the Clean Water Rule and all such proposals is to invigorate the process with new information and new perspectives. The public comment process is not only required by law, in this instance, but most often leads to stronger and better rules, based on science and the law. The agency learns from an engaged citizenry, and to do this, we ask for their input.

Additional Points from GAO Opinion

- GAO agrees that EPA's #DitchtheMyth was legal under the provisions
- GAO agrees that EPA's #CleanWaterRules was legal under the provisions
- GAO agrees that EPA did not mention any specific legislation in any of its social media

Why did this rule in the first place.

The Clean Water Rule was developed by BOTH EPA and the Army Corp to respond to an urgent need to improve and simplify the process for identifying waters that are and are not protected under the Clean Water Act, and is based on the latest science and the law. The Clean Water Rule represents the agencies' continuing commitment to protecting and restoring the nation's water resources that are vital for our health, environment, and economy.

One in three Americans get drinking water from streams that lacked clear protection from pollution without the Clean Water Rule. The final rule helps protect 117 million Americans' health. Major economic sectors—from manufacturing and energy production to agriculture, food service, tourism, and recreation—depend on clean water to function and flourish. Without clean water, business grinds to a halt. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Impacts from climate change like more intense droughts, storms, fires, and floods—not to mention warmer temperatures and sea level rise—threaten our water supplies. But healthy streams and wetlands

can protect communities by trapping floodwaters, retaining moisture during droughts, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife.

Corrections for the NYT story:

It is called the Clean Water Rule, not Waters of the US rule. Just because other people don't use the correct title doesn't mean it should be reported that way.

The E.P.A. rolled out a social media campaign on Twitter, Facebook, YouTube, and even on more innovative tools such as Thunderclap to counter opposition to its water rule, which imposes new restrictions on how land near certain surface waters can be used. **The Clean Water Rule does not impose restrictions on land use. It defines what waters are protected under the Clean Water Act. This is in the preamble page 8: "The rule also does not regulate ... land use." The Clean Water Rule protects waters from pollution and destruction – it does not regulate land use. A Clean Water Act permit is only needed if a protected water is going to be polluted or destroyed.**

The agency separately violated the anti-lobbying law when one of its public affairs officers wrote a blog post saying he was a surfer and did not "want to get sick from pollution," and included a link button to an advocacy group urging the public to "tell Congress to stop interfering with your right to clean water." **The link was to a page about why surfers are vulnerable to pollution. Your wording is inaccurate. You cite from the report, the link in the blog went to a page about why surfers get sick. That page had a button. Your wording in the story suggests the link went to an advocacy action page.**

From: Daly, Matthew [mailto:MDaly@ap.org]
Sent: Monday, December 14, 2015 3:58 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

Yes I am.

From: Purchia, Liz [mailto:Purchia.Liz@epa.gov]
Sent: Monday, December 14, 2015 3:56 PM
To: Daly, Matthew; Harrison, Melissa
Subject: RE: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

You're not writing on this are you?

From: Daly, Matthew [mailto:MDaly@ap.org]
Sent: Monday, December 14, 2015 3:55 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: FW: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

Do you have comment on GAO ruling that EPA violated law in water rule media campaign?

Sent: Monday, December 14, 2015 2:33 PM

Subject: NEWS: Inhofe Statement on EPA Illegal Propaganda, Lobbying

FOR IMMEDIATE RELEASE:

Contact:

Kristina Baum 202.224.6176

Donelle Harder 202.224.4721

Link to Press Release

Inhofe Statement on EPA Illegal Propaganda, Lobbying

WASHINGTON – U.S. Sen. Jim Inhofe (R-Okla.), chairman of the U.S. Senate Environment and Public Works (EPW) Committee, today released a statement after the Government Accountability Office (GAO) published its legal decision that the U.S. Environmental Protection Agency (EPA) violated prohibitions on the use of taxpayer dollars for covert propaganda and unauthorized publicity as well as for indirect or grassroots lobbying against legislation concerning EPA's controversial Waters of the U.S. (WOTUS) rule:

"GAO's finding confirms what I have long suspected, that EPA will go to extreme lengths and even violate the law to promote its activist environmental agenda. Courts have already raised questions about the legality of the Waters of the U.S. rule and have temporarily halted it from going into effect. EPA officials act as if the law does not apply to them, but this GAO opinion should serve as another reminder that EPA officials are not above the law. GAO's determination that EPA violated the ban on covert propaganda and grassroots lobbying is especially troubling. EPA's illegal attempts to manufacture public support for its Waters of the United States rule and sway Congressional opinion regarding legislation to address that rule have undermined the integrity of the rulemaking process and demonstrated how baseless this unprecedented expansion of EPA regulatory authority really is. This opinion from GAO also bolsters our oversight of EPA in other areas, as we continue to investigate and raise questions about the process EPA used to develop the Clean Power Plan and its coordination with environmental activists groups."

Background:

In April, Inhofe first requested GAO review EPA's use of social media, including the Thunderclap platform, to promote the WOTUS rule to determine whether it violated Congressional prohibitions against grassroots lobbying (including restrictions contained in annual appropriations laws). During the course of its review, GAO expanded its inquiry at Inhofe's request to also examine whether EPA's activities constituted prohibited covert propaganda or publicity.

On May 22, Inhofe joined Senators Dan Sullivan (R-Alaska) and M. Michael Rounds (R-S.D.) in sending a letter to EPA requesting documents and information about EPA's use of social media. On Aug. 5, Inhofe and Senator James Lankford (R-Okla.) sent a separate document request letter to EPA seeking additional information about the publicity campaign for the WOTUS rule.

The GAO legal decision found EPA's publicity campaign on Thunderclap constituted covert propaganda, and an EPA website linking to Natural Resource Defense Council and Surfrider Foundation websites encouraging the public to contact Congress violated restrictions on indirect or grassroots lobbying. In identifying these violations, GAO also determined EPA violated the Antideficiency Act, which prohibits U.S. government employees from spending government funds unless authorized by law.

Highlights of the GAO legal decision include:

Page 12: "As explained below, we conclude that EPA's use of Thunderclap constitutes covert propaganda, in violation of the publicity or propaganda prohibition."

Page 24: "We conclude that EPA violated the anti-lobbying provisions contained in appropriations acts for FY 2015 when it obligated and expended funds in connection with establishing the hyperlinks to the webpages of environmental action groups."

Page 26: "Because EPA obligated and expended appropriated funds in violation of specific prohibitions, we also conclude that EPA violated the Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A), as the agency's appropriations were not available for these prohibited purposes."

To view the full GAO legal decision, [click here](#).

###

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[IP_US_DISC]

msh dccc60c6d2c3a6438f0cf467d9a4938

From: Purchia, Liz
Sent: Monday, December 14, 2015 3:42 PM
To: Lipton, Eric
Subject: RE: Trying to reach you

Below is a statement from me. Will you please update to include this?

Statement

We disagree with their assessment, and we will fulfill whatever reporting requirements are necessary.

We maintain that using social media to educate the public about our work is an integral part of our mission. We have an obligation to inform all stakeholders about environmental issues and encourage participation in the rulemaking process. We use social media tools just like all organizations to stay connected and inform people across the country about our activities.

Our social media activity simply directed the recipient to the general webpage about the Clean Water Rule. EVERY stakeholder and EVERY stakeholder group --- whether they supported or opposed the rule --- was provided the same link to the general webpage on education and outreach materials, emails, and presentations, and were told the deadline for submitting public comments and how to do so.

At no point did the EPA encourage the public to contact Congress or any state legislature.

The purpose of seeking comment on the Clean Water Rule and all such proposals is to invigorate the process with new information and new perspectives. The public comment process is not only required by law, in this instance, but most often leads to stronger and better rules, based on science and the law. The agency learns from an engaged citizenry, and to do this, we ask for their input.

Additional Points from GAO Opinion

- GAO agrees that EPA's #DitchtheMyth was legal under the provisions
- GAO agrees that EPA's #CleanWaterRules was legal under the provisions
- GAO agrees that EPA did not mention any specific legislation in any of its social media

From: Purchia, Liz
Sent: Monday, December 14, 2015 3:01 PM
To: 'Lipton, Eric' <lipton@nytimes.com>
Subject: RE: Trying to reach you

Number one: This is a fact: The CWR does not regulate land use. This is in the preamble page 8: "The rule also does not regulate ... land use."

The Clean Water Rule protects waters from pollution and destruction – it does not regulate land use. A Clean Water Act permit is only needed if a protected water is going to be polluted or destroyed.

Number two: Your wording is inaccurate. You cite from the report, the link in the blog went to a page about why surfers get sick. That page had a button. Your wording in the story suggests the link went to an advocacy action page.

From: Lipton, Eric [<mailto:lipton@nytimes.com>]
Sent: Monday, December 14, 2015 2:52 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: Re: Trying to reach you

1) By defining what are waters of the US, the rule in effect creates restrictions on how land can be used, if that land is in areas that are now going to be considered part of or immediately adjacent to the Waters of the US
2) The report on page 8 notes that the link took readers to a page that had "Five Reasons why surfers are more likely to get sick from polluted ocean water." And on that same page on the right, is a column that says "Take Action" and it says "Defend the Clean Water Act. Tell Congress to stop interfering with your right to clean water."

[Eric Lipton](#)
The New York Times
Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

On Mon, Dec 14, 2015 at 2:40 PM, Purchia, Liz <Purchia.Liz@epa.gov> wrote:

Will get you additional information soon, in the meantime.

Two corrections:

The E.P.A. rolled out a social media campaign on Twitter, Facebook, YouTube, and even on more innovative tools such as Thunderclap to counter opposition to its water rule, which imposes new restrictions on how land near certain surface waters can be used. The Clean Water Rule does not impose restrictions on land use. It defines what waters are protected under the Clean Water Act.

The agency separately violated the anti-lobbying law when one of its public affairs officers wrote a blog post saying he was a surfer and did not “want to get sick from pollution,” and included a link button to an advocacy group urging the public to “tell Congress to stop interfering with your right to clean water.” The link was to a page about why surfers are vulnerable to pollution.

I also think it's essential that you include additional background about why did this rule in the first place.

The Clean Water Rule was developed by **BOTH** EPA and the Army Corp to respond to an urgent need to improve and simplify the process for identifying waters that are and are not protected under the Clean Water Act, and is based on the latest science and the law. The Clean Water Rule represents the agencies' continuing commitment to protecting and restoring the nation's water resources that are vital for our health, environment, and economy.

One in three Americans get drinking water from streams that lacked clear protection from pollution without the Clean Water Rule. The final rule helps protect 117 million Americans' health. Major economic sectors—from manufacturing and energy production to agriculture, food service, tourism, and recreation—depend on clean water to function and flourish. Without clean water, business grinds to a halt. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Impacts from climate change like more intense droughts, storms, fires, and floods—not to mention warmer temperatures and sea level rise—threaten our water supplies. But healthy streams and wetlands can protect communities by trapping floodwaters, retaining moisture during droughts, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife.

From: Lipton, Eric [mailto:lipton@nytimes.com]
Sent: Monday, December 14, 2015 1:35 PM

To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: Re: Trying to reach you

I will update the story as soon as you send me something.

[Eric Lipton](#)

The New York Times

Washington Bureau

[202 862 0448](tel:2028620448) office

[202 370 7951](tel:2023707951) mobile

lipton@nytimes.com

On Mon, Dec 14, 2015 at 1:29 PM, Purchia, Liz <Purchia.Liz@epa.gov> wrote:

Can you hold until you have something from us

From: Lipton, Eric [mailto:lipton@nytimes.com]

Sent: Monday, December 14, 2015 1:18 PM

To: Purchia, Liz <Purchia.Liz@epa.gov>

Subject: Re: Trying to reach you

it is about to post. In about 5 minutes.

[Eric Lipton](#)

The New York Times

Washington Bureau

[202 862 0448](tel:2028620448) office

[202 370 7951](tel:2023707951) mobile

lipton@nytimes.com

On Mon, Dec 14, 2015 at 1:15 PM, Purchia, Liz <Purchia.Liz@epa.gov> wrote:

I'll be getting you something shortly. Is your story up?

Liz Purchia

U.S. EPA

[202-564-6691](tel:2025646691)

On Dec 14, 2015, at 11:46 AM, Lipton, Eric <lipton@nytimes.com> wrote:

Hello Liz

We will be posting very soon a story about Waters of US and the GAO

Seeking your comment.

[Eric Lipton](#)

The New York Times

Washington Bureau

[202 862 0448](tel:2028620448) office

[202 370 7951](tel:2023707951) mobile

lipton@nytimes.com

<GAO Opinion-EPA Social Media-121415.pdf>

From: Purchia, Liz
Sent: Monday, December 14, 2015 1:36 PM
To: Lipton, Eric
Subject: RE: Trying to reach you

I just sent you a separate email.

I'd also ask that you please refer to the rule by what we call it, the Clean Water Rule.

WOTUS is not our name for it.

From: Lipton, Eric [mailto:lipton@nytimes.com]
Sent: Monday, December 14, 2015 1:35 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: Re: Trying to reach you

I will update the story as soon as you send me something.

[Eric Lipton](#)
The New York Times
Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

On Mon, Dec 14, 2015 at 1:29 PM, Purchia, Liz <Purchia.Liz@epa.gov> wrote:

Can you hold until you have something from us

From: Lipton, Eric [mailto:lipton@nytimes.com]
Sent: Monday, December 14, 2015 1:18 PM
To: Purchia, Liz <Purchia.Liz@epa.gov>
Subject: Re: Trying to reach you

it is about to post. In about 5 minutes.

[Eric Lipton](#)

The New York Times

Washington Bureau

[202 862 0448](#) office

[202 370 7951](#) mobile

lipton@nytimes.com

On Mon, Dec 14, 2015 at 1:15 PM, Purchia, Liz <Purchia.Liz@epa.gov> wrote:

I'll be getting you something shortly. Is your story up?

Liz Purchia

U.S. EPA

[202-564-6691](#)

[202-841-2230](#)

On Dec 14, 2015, at 11:46 AM, Lipton, Eric <lipton@nytimes.com> wrote:

Hello Liz

We will be posting very soon a story about Waters of US and the GAO

Seeking your comment.

[Eric Lipton](#)

The New York Times

Washington Bureau

[202 862 0448](#) office

[202 370 7951](tel:2023707951) mobile

lipton@nytimes.com

<GAO Opinion-EPA Social Media-121415.pdf>

From: Daguillard, Robert
Sent: Monday, December 07, 2015 8:10 PM
To: Jeremy Jacobs
Cc: Jones, Enesta; Mogharabi, Nahal
Subject: Re: WOTUS and LA River

Good evening Jeremy,

Happy to help. What's your deadline?

Thanks, R.

Robert Daguillard
U.S. Environmental Protection Agency
Office of Media Relations
(202) 564-6618 (o)
(202) 360-0476 (m)

On Dec 7, 2015, at 6:24 PM, Jeremy Jacobs <jjacobs@eenews.net> wrote:

Thanks very much, Enesta. This is helpful.

One follow up: I think those wondering about how the WOTUS rule would affect the Los Angeles River are curious as to whether the (b)(6) exclusion could/would apply to any conveyance connected to it. Is there anyone I could speak with about that?

Thanks again,
Jeremy

Jeremy P. Jacobs
West Coast and Legal Reporter
jjacobs@eenews.net
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On Dec 4, 2015, at 12:53 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Jeremy: Here's text from the preamble that should address your questions. Let me know if you need more.

The final rule includes a new exclusion in paragraph (b)(6) for stormwater control features constructed to convey, treat, or store stormwater that are created in dry land. The agencies stated in the proposed rule that the exclusions were guided by decisions of the Supreme Court and were intended to further the agencies' goal of providing clarity and certainty. The agencies in the proposed rule sought to provide a "full description" of the waters that will not be "waters of the United States." 79 FR at 22218. In response to the agencies' proposal, several commenters indicated additional clarity was needed, particularly with respect to stormwater control features and wastewater recycling facilities. This exclusion responds to numerous commenters who raised concerns that the proposed rule would adversely affect municipalities' ability to operate and maintain their stormwater systems, and also to address confusion about the state of practice regarding jurisdiction of these features at the time the rule was proposed.

The agencies' longstanding practice is to view stormwater control measures that are not built in "waters of the United States" as non-jurisdictional. Conversely, the agencies view some waters, such as channelized or piped streams, as jurisdictional currently even where used as part of a stormwater management system. Nothing in the proposed rule was intended to change that practice. Nonetheless, the agencies recognize that the proposed rule brought to light confusion about which stormwater control features are jurisdictional waters and which are not, and agree that it is appropriate to address this confusion by creating a specific exclusion in the final rule for stormwater controls features that are created in dry land.

Many commenters, particularly municipalities and other public entities that operate storm sewer systems and stormwater management programs, expressed concern that various stormwater control measures—such as stormwater treatment systems, rain gardens, low impact development/green infrastructure, and flood control systems—could be considered "waters of the United States" under the proposed rule, either as part of a tributary system, an adjacent water, or as a result of a case-specific significant nexus analysis. This exclusion should clarify the appropriate limits of jurisdiction relating to these systems. A key element of the exclusion is whether the feature or control system was built in dry land and whether it conveys, treats, or stores stormwater. Certain features, such as curbs and gutters, may be features of stormwater collection systems, but have never been considered "waters of the United States."

Enesta Jones
U.S. EPA, Office of Media Relations
Desk: 202.564.7873
Cell: 202.236.2426

On Dec 4, 2015, at 9:50 AM, Jeremy Jacobs <jjacobs@eenews.net> wrote:

Hi Enesta!

Great to hear from you - long time no talk.

Was hoping to speak to someone by the end of the day Monday. Tuesday at the latest.

In particular, I am curious about a new exclusion in the WOTUS rules. It's been referred to me as the "B6" exclusion, and it would exempt stormwater conveyances. I am curious how that relates to the many channels and streams that shoot off of the LA River. Would those qualify? Or would many of those be deemed "tributaries" under the rule and therefore jurisdictional?

Does that all make sense? Please let me know if you have any questions,
Jeremy

Jeremy P. Jacobs

West Coast and Legal Reporter

jjacobs@eenews.net

Office: (415) 729-4098

Cell: (858) 531-3362

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

On Dec 4, 2015, at 6:46 AM, Jones, Enesta
<Jones.Enesta@epa.gov> wrote:

Hi Jeremy: Hope all is well. We will respond to your inquiry. Do you have a hard deadline?

Enesta Jones

U.S. EPA, Office of Media Relations

Desk: 202.564.7873

Cell: 202.236.2426

From: Daguillard, Robert
Sent: Thursday, December 03, 2015 7:45 PM
To: Mogharabi, Nahal
Cc: Valentine, Julia; Jones, Enesta
Subject: Re: LA River and WOTUS

Hullo Nahal,

You want to reach out to Enesta Jones (cc'ed here).

Thanks, R.

Robert Daguillard
U.S. Environmental Protection Agency
Office of Media Relations
(202) 564-6618 (o)
(202) 360-0476 (m)

On Dec 3, 2015, at 7:08 PM, Mogharabi, Nahal <MOGHARABI.NAHAL@EPA.GOV> wrote:

Hi Julia,

I hope all is well. I have a question for Robert on the Clean Water Rule, but I see that he is out until Dec. 7th. Do you know who is backing him up on this issue?

We got eh below inquiry from a reporter at Greenwire. Although the reporter is asking specifically about the LA River, his bigger question is about the Clean Water Rule.

The last I've seen on this was a HQ litigation statement: <http://www2.epa.gov/cleanwaterrule/clean-water-rule-litigation-statement>

But, it doesn't refer to any specifics. Should we just send the reporter this statement? Are we able to speak to what it may mean for the La River?

Just looking for clarifying guidance before following up with the reporter.

Thanks!

Nahal

From: Jeremy Jacobs [<mailto:jjacobs@eenews.net>]
Sent: Thursday, December 03, 2015 10:24 AM
To: Kemmerer, John <KEMMERER.JOHN@EPA.GOV>
Subject: LA River and WOTUS

Hi John,

This is Jeremy Jacobs from Greenwire. Hope you are doing well.

I am working on a story about how the LA River fits into the new Waters of the US rule. I was recently speaking with Sam Brown and he mentioned that several aspects of the river could pose challenges for EPA and, potentially lead to litigation down the road.

While Sam said the LA River itself is jurisdictional, he raised concerns about all of the channels and streams that shoot off from it. He noted that there is a new exclusion for stormwater conveyances (he called it the "B6" exclusion), and said that presumably many of the channels stemming from the LA River would qualify, unless they are determined to be "tributaries" under the rule.

Wanted to see if we could chat for a few minutes this week about your read of that exclusion and the LA River. I admit I am not terribly familiar with the river, so any insights would be very helpful, even if they are just on background.

Does that all make sense? Please let me know if you have any questions. My schedule is flexible and you can always reach me at the numbers below.

Best,
Jeremy

Jeremy P. Jacobs

West Coast and Legal Reporter

jjacobs@eenews.net

Office: (415) 729-4098

Cell: (858) 531-3362

[@GreenwireJeremy](https://twitter.com/GreenwireJeremy)

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From: Daguillard, Robert
Sent: Monday, November 30, 2015 2:04 PM
To: Bruce Ritchie
Subject: RE: Waters of U. S. Lawsuit

Bruce, for attribution to an EPA spokesperson:

"While we can't comment on the specific lawsuit you're referencing, the Clean Water Rule maintains the status of waters within Municipal Separate Storm Sewer Systems and does not change how those waters are treated."

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
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+1 (202) 360-0476 (cel)



From: Bruce Ritchie [mailto:britchie@politico.com]
Sent: Monday, November 30, 2015 1:33 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Re: Waters of U. S. Lawsuit

Sure Robert. How about if you get me something by 4:30? We'll post the story now saying we requested comment and we'll update it when we get it. Sound good? Thanks.

Bruce Ritchie
POLITICO Florida
britchie@politico.com
850-566-4518 (cell)

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
Sent: Monday, November 30, 2015 1:22 PM
To: Bruce Ritchie
Subject: RE: Waters of U. S. Lawsuit

Hullo Bruce,

Thanks for reaching out. Is there any way you can push your deadline?

Thanks, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)



From: Bruce Ritchie [<mailto:britchie@politico.com>]
Sent: Monday, November 30, 2015 12:49 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Waters of U. S. Lawsuit

Hi Robert, the Florida Stormwater Association and other groups filed a lawsuit in federal court this morning requesting declaratory and injunctive relief from the Waters of the U. S. rule. Can you comment in response? I am particularly focused on the cost that the groups say the rule will impose on cities .. up to \$1.7 billion in Pinellas County alone to meet phosphorus treatment standards in stormwater canals. Can you comment on the claim that stormwater canals now are subject to regulation under the rule? I need a response by 2 p.m. but can add a response later if you indicate one is coming. Thanks! See attached. Please acknowledge receipt.

Bruce Ritchie
POLITICO Florida
britchie@politico.com
850-566-4518 (cell)

White, Candace

From: Daguillard, Robert
Sent: Monday, November 16, 2015 2:39 PM
To: Saiyid, Amena
Subject: RE: Office of Water Questions for EPA

Many thanks. I'll be in touch later this week to confirm for the 24th.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)



From: Saiyid, Amena [mailto:ASaiyid@bna.com]
Sent: Monday, November 16, 2015 2:38 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Office of Water Questions for EPA

1. What will be the Office of Water's top five priorities – rulemaking or guidance – in 2016.
2. Can you talk about the upcoming stormwater rule? What will it entail? Should we expect guidance on how states will translate the agreement reached with the Ninth Circuit.
3. How does the EPA plan to counter the congressional opposition to the clean water rule? Can you talk about the status of the jurisdictional questions now that the rule is stayed nationwide. What should our readers, which include regulators, lawyers, expect next?
4. Has the looming threat of climate change focused the EPA Office of Water Priorities? If so, how can you talk about those in terms of algal blooms, infrastructure, sewer overflows? What can EPA do to address these problems? Is it a funding issue or a science issue? On a philosophical note, how can the EPA overcome the existing silos of drinking water and wastewater to address changes in quality of water brought on by climate change.
5. What about emerging contaminants, such as pharmaceuticals and personal products that are cropping up in water? What is the EPA doing about it?
6. Can you talk about the rulemaking on bacteriophage and its status.

Amerna H. Saiyid
Water Pollution Reporter
Bloomberg BNA
Direct 703.341.3695
Mobile 571.319.6682

asaiyd@bna.com

twitter: amenasaiyd

From: Daguillard, Robert
Sent: Tuesday, October 20, 2015 3:52 PM
To: Durant, Jennah
Cc: Hubbard, Joseph
Subject: RE: Medina Valley Times - Clean Water Act Questions

This inquiry is now closed. Thanks all.

R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)



From: Durant, Jennah
Sent: Monday, October 19, 2015 1:59 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Hubbard, Joseph <Hubbard.Joseph@epa.gov>
Subject: FW: Medina Valley Times - Clean Water Act Questions

Hi Robert,

I got the questions below from the Medina Valley Times from Medina Co., TX (west of San Antonio). I'm not sure what we can answer because of the stay. Can you help with these? Also, to clarify, the reporter is talking about the Clean Water Rule, but he uses "Clean Water Act."

Thanks,
Jennah Durant
R6
214 665-2287

From: Cornerstone Publications, Inc. [<mailto:cornerstonenews@sbcglobal.net>]
Sent: Monday, October 19, 2015 12:53 PM
To: Durant, Jennah
Subject: Medina Valley Times - Clean Water Act Questions

Hello Jennah,

This is Steven Santana with the Medina Valley Times. We spoke earlier today on the phone about my questions about the Clean Water Act.

Listening back to my conversation with Rep. Will Hurd, I had some questions of my own. Below are my questions as requested:

Does the clean water act add any regulations to farmers whose property may have a dry creek bed or indentation of any kind that that the Clean Water Act would consider a navigable waters?

In what way will this affect the agricultural community who rely on clean water irrigation (fertilizers, runoff, etc)?

What standards are considered in the determination of a navigable waterway?

What does this stay mean for the Clean Water Act?

What initiatives has the EPA taken to inform the public on the act?

Again my deadline is Tuesday at noon.

Thank you,

Steven Santana

From: Daguillard, Robert
Sent: Monday, August 03, 2015 3:26 PM
To: Codi Kozacek
Subject: RE: Questions about Clean Water Act

Dear Ms. Kozacek (Codi, if I may and please, call me Robert),

I'm happy to help. I imagine written answers would work for you?

Please advise. Thanks, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)

From: Codi Kozacek [mailto:codi@circleofblue.org]
Sent: Monday, August 03, 2015 3:21 PM
To: Daguillard, Robert
Subject: Questions about Clean Water Act

Dear Mr. Daguillard,

I am a reporter for Circle of Blue, a global water news organization, and I am currently working on a story as part of a series about the new Clean Water Rule. My story focuses on the direction of the Clean Water Act 43 years after its passage, and I have several questions I was hoping you could help me answer (listed below).

My deadline is next Wednesday, August 12. If someone could get back to me this week, that would be ideal. The best way to contact me is on my cell phone at (231) 590-0437, or by email at codi@circleofblue.org. Any assistance you can provide will be greatly appreciated.

Best regards,

Codi Kozacek

Questions:

1. Water quality in the United States has undoubtedly improved since the Clean Water Act was passed. What are the law's primary successes?
2. What remaining water pollution problems are the most urgent to address, and how does the EPA plan to do so?
3. What resources are needed to make sure these problems are addressed?
4. How has the EPA's focus on water pollution problems and its methods for addressing these problems shifted over the years--if at all?

5. How can the Clean Water Act--and its implementation--evolve to fit new conditions, like climate change, that may complicate water pollution control efforts?

Codi Kozacek: Reporter, Circle of Blue

codi@circleofblue.org - office: (202) 351-6870 mobile: (231) 590-0437

circleofblue.org - WaterNews - facebook

From: Daguillard, Robert
Sent: Monday, August 03, 2015 2:35 PM
To: Carol Ryan Dumas
Subject: RE: comment on Corps memos

Ah, the Corps! The previous E-Mail said EPA.

No, I don't have a contact name or info, unfortunately.

-----Original Message-----

From: Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
Sent: Monday, August 03, 2015 2:32 PM
To: Daguillard, Robert
Subject: Re: comment on Corps memos

yes, someone you might work with in Corps public relations

On Aug 3, 2015, at 12:24 PM, "Daguillard, Robert" <Daguillard.Robert@epa.gov> wrote:

> Counterpart?

>

> -----Original Message-----

> **From:** Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
> **Sent:** Monday, August 03, 2015 2:15 PM
> **To:** Daguillard, Robert
> **Cc:** Lee, Monica
> **Subject:** Re: comment on Corps memos

>

> Monica sent me a statement -- thanks. Do you have a contact for counterpart at EPA?

>

>

> On Aug 3, 2015, at 12:04 PM, "Daguillard, Robert" <Daguillard.Robert@epa.gov> wrote:

>

>> Hey Carol,

>>

>> On it. What's your deadline?

>>

>> -----Original Message-----

>> **From:** Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
>> **Sent:** Monday, August 03, 2015 2:02 PM
>> **To:** Daguillard, Robert; Lee, Monica
>> **Subject:** comment on Corps memos

>>
>> Monica, Robert,
>>
>> can I get comment regarding the Corps' internal memos regarding serious concerns
about the final WOTUS rule, manipulation of Corps provided data and EPA portrayal that
the rule represents a joint endeavor?
>>
>> thanks,
>> carol
>>
>
>
>

From: Daguillard, Robert
Sent: Monday, August 03, 2015 2:24 PM
To: Carol Ryan Dumas
Cc: Lee, Monica
Subject: RE: comment on Corps memos

Counterpart?

-----Original Message-----

From: Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
Sent: Monday, August 03, 2015 2:15 PM
To: Daguillard, Robert
Cc: Lee, Monica
Subject: Re: comment on Corps memos

Monica sent me a statement -- thanks. Do you have a contact for counterpart at EPA?

On Aug 3, 2015, at 12:04 PM, "Daguillard, Robert" <Daguillard.Robert@epa.gov> wrote:

> Hey Carol,
>
> On it. What's your deadline?

> -----Original Message-----

> From: Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
> Sent: Monday, August 03, 2015 2:02 PM
> To: Daguillard, Robert; Lee, Monica
> Subject: comment on Corps memos

> Monica, Robert,

> can I get comment regarding the Corps' internal memos regarding serious concerns about the final WOTUS rule, manipulation of Corps provided data and EPA portrayal that the rule represents a joint endeavor?

>
> thanks,
> carol
>

From: Daguillard, Robert
Sent: Monday, August 03, 2015 2:04 PM
To: Carol Ryan Dumas; Lee, Monica
Subject: RE: comment on Corps memos

Hey Carol,

On it. What's your deadline?

-----Original Message-----

From: Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
Sent: Monday, August 03, 2015 2:02 PM
To: Daguillard, Robert; Lee, Monica
Subject: comment on Corps memos

Monica, Robert,

can I get comment regarding the Corps' internal memos regarding serious concerns about the final WOTUS rule, manipulation of Corps provided data and EPA portrayal that the rule represents a joint endeavor?

thanks,
carol

From: Daguillard, Robert
Sent: Thursday, July 30, 2015 2:29 PM
To: Carol Ryan Dumas
Subject: RE: WOTUS challenge

Hullo Carol,

We're on it.

Thanks, R.

-----Original Message-----

From: Carol Ryan Dumas [mailto:crdumas@capitalpress.com]
Sent: Thursday, July 30, 2015 1:34 PM
To: Daguillard, Robert
Subject: WOTUS challenge

Hi Robert,

does EPA have a comment on the lawsuits filed to block WOTUS from being implemented and now the 28 AG's request to delay implementation for 9 months to allow for judicial review?

thanks
carol

Capital Press
208 860-3898

From: Daguillard, Robert
Sent: Thursday, July 16, 2015 4:47 PM
To: Durant, Jennah
Subject: RE: WotUS media question

The Economic Analysis evaluates NPDES permitting and concludes that there will be little or no effect from the Clean Water Rule. This is because jurisdictional determinations are not done under the 402 program. The vast majority of NPDES discharges are to waterbodies for which there is no disagreement about their jurisdictional status. Essentially if a NPDES permit was not needed before the Clean Water Rule, the rule will not create the need for one.

From: Durant, Jennah
Sent: Wednesday, July 15, 2015 2:28 PM
To: Daguillard, Robert
Subject: WotUS media question

Hi Robert—

Have you seen any guidance regarding how NPDES permitting might change based on the new WotUS guidelines? In other words, is there a way for a business that did not require an NPDES permit to know if they now need one?

Thanks,
Jennah Durant
R6
214 665-2287

From: Daguillard, Robert
Sent: Thursday, July 16, 2015 7:45 AM
To: Durant, Jennah
Subject: RE: WotUS media question

Hullo Jennah. I haven't seen anything, but will ask OW.

From: Durant, Jennah
Sent: Wednesday, July 15, 2015 2:28 PM
To: Daguillard, Robert
Subject: WotUS media question

Hi Robert—

Have you seen any guidance regarding how NPDES permitting might change based on the new WotUS guidelines? In other words, is there a way for a business that did not require an NPDES permit to know if they now need one?

Thanks,
Jennah Durant
R6
214 665-2287

From: Daguillard, Robert
Sent: Monday, July 13, 2015 4:42 PM
To: Killman, Curtis
Subject: RE: Comment for news story

Hullo Curtis. Someone should be getting back to you very shortly. Thanks, R.

From: Killman, Curtis [mailto:Curtis.Killman@tulsaworld.com]
Sent: Monday, July 13, 2015 4:37 PM
To: Daguillard, Robert
Subject: Comment for news story

Robert,
I'm working on a story for the Tulsa World dealing with another lawsuit filed in Tulsa federal court regarding the new Clean Water Rule.
I wanted to give the EPA an opportunity to comment and saw you email associated with a May 27 news release on the subject. My deadline is 5 pm Central Time.
I'm including a copy of the complaint, along with a similar lawsuit filed last week by the Oklahoma state Attorney General.

Thanks,

Curtis Killman
Staff Writer
Tulsa World Media Company
www.tulsaworld.com
office | 918-581-8471
fax | 918-581-8353
315 S Boulder Ave., Tulsa, OK 74103

From: Daguiard, Robert
Sent: Monday, July 13, 2015 7:52 AM
To: Adams, Chris; Stoner, Nancy
Subject: RE: Clean Water Rule lawsuits

Hullo Chris. Just a quick word to acknowledge receipt. I should get back to you a little later.

From: Adams, Chris [mailto:cadams@mcclatchydc.com]
Sent: Sunday, July 12, 2015 3:12 PM
To: Daguiard, Robert; Stoner, Nancy
Subject: Clean Water Rule lawsuits

Robert, Ms. Stoner:

I'm doing a story looking over the lawsuits filed by states to try to stop the clean water rule. I'm interested in what different legal arguments they are making and why. I find three suits involving 25 states (suits filed in Texas, North Dakota and Georgia federal courts).

A couple questions:

--Are there others?

--Would you have any time Monday morning to discuss them? I'm just looking for a perspective from EPA about its legal standing and support response to the lawsuits.

Thanks,
Chris Adams
McClatchy Washington Bureau
202-383-6071

--

Chris Adams
National Correspondent
McClatchy Washington Bureau
700 12th St. N.W., Suite 1000
Washington, D.C. 20005-3994
202-383-6071

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From: Daguillard, Robert
Sent: Wednesday, July 08, 2015 9:05 PM
To: Randy Ellis
Subject: Re: Oklahoma Clean Water Act Lawsuit

Please attribute to US EPA

"

While we can't comment on the lawsuit, it's important to remember that EPA and the U.S. Army Corps of Engineers finalized the Clean Water Rule because protection for many of the nation's streams and wetlands had been confusing, complex, and time-consuming as the result of Supreme Court decisions in 2001 and 2006. In order to clearly protect the streams and wetlands that form the foundation of the nation's water resources, the Agencies developed a rule that ensures that waters protected under the Clean Water Act are more precisely defined, more predictably determined, and easier for businesses and industry to understand.

One in three people – get drinking water from streams that lacked clear protection before the Clean Water Rule. America's cherished way of life depends on clean water, as healthy ecosystems provide wildlife habitat and places to fish, paddle, surf, and swim. Clean and reliable water is an economic driver, including for manufacturing, farming, tourism, recreation, and energy production. The health of our rivers, lakes, bays, and coastal waters are impacted by the streams and wetlands where they begin.

In developing the rule, the agencies held more than 400 meetings with stakeholders across the country, reviewed over one million public comments, and listened carefully to perspectives from all sides. EPA and the Army also utilized the latest science, including a report summarizing more than 1,200 peer-reviewed, published scientific studies which showed that small streams and wetlands play an integral role in the health of larger downstream water bodies."

Sent from my iPhone

On Jul 8, 2015, at 8:17 PM, Randy Ellis <REllis@Oklahoman.com> wrote:

How close are you? I'm running out of time.

From: Daguillard, Robert [<mailto:Daguillard.Robert@epa.gov>]
Sent: Wednesday, July 08, 2015 6:18 PM
To: Randy Ellis
Subject: Re: Oklahoma Clean Water Act Lawsuit

On it. Thanks.

Sent from my iPhone

On Jul 8, 2015, at 6:50 PM, Randy Ellis <REllis@Oklahoman.com> wrote:

Robert, could you please send me a response to Oklahoma Attorney General Scott Pruitt's lawsuit over the new Clean Water Act rule? – Randy Ellis

From: Daguillard, Robert
Sent: Wednesday, July 08, 2015 10:11 AM
To: Han, Kaythi
Subject: RE: OW Action; DDL Friday 6/26; AP (John Seewer); Source Water Treatment

Hullo Kaythi,

No he hasn't.

Incidentally, I'm still out sick today, so Jennifer will keep handling my inquiries. If you could CC me in on your correspondence with her, I'd be grateful.

Thanks, R.

From: Han, Kaythi
Sent: Wednesday, July 08, 2015 9:36 AM
To: Daguillard, Robert
Subject: RE: OW Action; DDL Friday 6/26; AP (John Seewer); Source Water Treatment

Just cleaning out my list of outstanding inquiries... Did the reporter ever come back with questions?

From: Daguillard, Robert
Sent: Wednesday, June 24, 2015 11:31 AM
To: Han, Kaythi
Subject: Re: OW Action; DDL Friday 6/26; AP (John Seewer); Source Water Treatment

OK. Happy to forward info

Sent from my iPhone

On Jun 24, 2015, at 11:20 AM, Han, Kaythi <Han.Kaythi@epa.gov> wrote:

OGWDW would prefer to provide written responses first and then see what's left to talk about in an interview. They also suggested sharing the recent cost of nutrient pollution study (<http://www2.epa.gov/sites/production/files/2015-04/documents/nutrient-economics-report-2015.pdf>) with the reporter for some more background information.

From: Daguillard, Robert
Sent: Wednesday, June 24, 2015 9:29 AM
To: Han, Kaythi
Cc: Lee, Monica; Loop, Travis
Subject: RE: OW Action; DDL Friday 6/26; AP (John Seewer); Source Water Treatment

Happy to, but are we amenable to a conversation with him afterwards? Background? On the record?

From: Han, Kaythi
Sent: Wednesday, June 24, 2015 9:27 AM
To: Daguillard, Robert
Cc: Lee, Monica; Loop, Travis
Subject: RE: OW Action; DDL Friday 6/26; AP (John Seewer); Source Water Treatment

Hi Robert,

Could you share this site with the reporter <http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/index.cfm> and see what questions he has after reading through the information?

Thanks,
Kaythi

From: Loop, Travis
Sent: Tuesday, June 23, 2015 10:16 AM
To: Daguillard, Robert
Cc: Lee, Monica; Han, Kaythi
Subject: Re: OW Action; DDL Friday 6/26; AP (John Seewer); Source Water Treatment

We have info on source water status and protection. Clean Water Rule also part of source water protectionz

Travis Loop
Communications Director for Water
U.S. EPA
202-870-6922

On Jun 23, 2015, at 10:15 AM, Daguillard, Robert <Daguillard.Robert@epa.gov> wrote:

Good morning,

Do we have some links or studies we could send him? Or would the latest Drinking Water Needs Survey serve that purpose? I'd love to have him read our materials before we put him on the phone with Peter (or anyone else).

Robert:
Hi, it's John Seewer with The Associated Press. I'm working on a story about the quality of source water and the associated costs of cleaning it for drinking water (from increased treatment costs to building new infrastructure.)
I'm wondering if there is any recent EPA research on the quality of source water (surface or well) or on the costs to treat it. I'd also be interested in talking to an EPA researcher who works in the of dealing with source water.
I'm not on a tight deadline, but am hoping to speak with someone within the next week or so.
I also can be reached at 419-255-7113.
Thanks,
John

From: Daguillard, Robert
Sent: Friday, July 03, 2015 10:41 AM
To: Brezosky, Lynn
Subject: Re: Press Inquiry about Wetlands

Hi. Sorry I'm only now getting back to you now, But EPA offices are closed as todY is a federal holiday. I've forwarded your query, though, in hopes someone will send you our statement soonest.

Thanks, R.

Sent from my iPhone

On Jul 2, 2015, at 5:36 PM, Brezosky, Lynn <LBrezosky@express-news.net> wrote:

Hello,

Sorry for the late notice but we just got the press release announcing Texas Farm Bureau and more than a dozen other entities suing today over WOTUS. Seeking EPA response.

Thank you,

Lynn Brezosky
Business Reporter
p: 210.250.3108 c: 956.763.7110
lbrezosky@express-news.net <http://www.expressnews.com>
[@lbrezosky](http://www.mysanantonio.com)



From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 4:36 PM
To: Angela Neville
Subject: RE: Quick Interview about State of Texas' Suit against EPA Over New "Clean Water Rule" (for Short Article in Texas Lawyer Newspaper)

You should be getting a statement very soon.

From: Angela Neville [mailto:ANeville@alm.com]
Sent: Wednesday, July 01, 2015 4:19 PM
To: Daguillard, Robert
Subject: RE: Quick Interview about State of Texas' Suit against EPA Over New "Clean Water Rule" (for Short Article in Texas Lawyer Newspaper)

Hi Mr. Daguillard,

I still have not heard back from anyone at EPA.

Do you have the name of one of your EPA colleagues that I can reach out to directly to get the agency's feedback about this case?

Do you have any press releases that you could send in which an EPA representative has releases some public comments about this lawsuit?

Thanks!

Best regards,

Angela Neville
Energy Reporter
Texas Lawyer

1999 Bryan St., Suite 825 | Dallas, TX 75201
T: 214-744-7765 | F: 214-741-2325
Email: aneville@alm.com
www.TexasLawyer.com

From: Daguillard, Robert [mailto:Daguillard.Robert@epa.gov]
Sent: Wednesday, July 01, 2015 11:56 AM
To: Angela Neville
Subject: RE: Quick Interview about State of Texas' Suit against EPA Over New "Clean Water Rule" (for Short Article in Texas Lawyer Newspaper)

Hullo Ms. Neville,

Just a quick word to acknowledge receipt. Someone should be getting back to you soonest.

From: Angela Neville [<mailto:ANeville@alm.com>]
Sent: Wednesday, July 01, 2015 12:53 PM
To: Daguillard, Robert
Subject: Quick Interview about State of Texas' Suit against EPA Over New "Clean Water Rule" (for Short Article in Texas Lawyer Newspaper)

July 1, 2015

Mr. Robert Daguillard
Press Officer /Watersheds
U.S. Environmental Protection Agency
Washington, D.C.

RE: *State of Texas et al v. U.S. EPA*, Civil Action No. 3:15-cv-00162, U.S. District Court, Southern District of Texas, Galveston Division

Dear Mr. Daguillard:

I would like to talk to you or another EPA press officer this afternoon to ask you some quick interview questions about the above referenced case that was filed recently against the EPA by a number of state agencies pertaining to its recently enacted rule ("Clean Water Rule: Definition of 'Waters of the United States'"), 80 Federal Register 37,054, (June 29, 2015).

I would like to hear from you by 3:30 p.m. Eastern Time (2:30 p.m. Central Time) today or as soon as you get a chance to call me at (214) 744-7765.

Here are the proposed questions that I would like you to answer. I would appreciate it if you would limit your response to each question to 50 to 100 words since I have to keep my article fairly short (a total length of 500 to 600 words). If it is easier for you, you can respond in writing to the questions listed below:

1. What is EPA's position about the State of Texas bringing this lawsuit to vacate EPA's newly enacted Clean Water Rule? Does EPA intend to vacate this rule since it is meeting with strong criticism from several states?
2. In particular what concerns do Texas officials have about the impact of this rule on the operations of the oil and gas sector in Texas? How does the EPA intend to defend this new rule in relation to all the criticism about it?
3. Do you anticipate that this litigation will be settled in a short amount of time or will it probably be a long, drawn-out legal battle.
4. Do you have any other comments to make about EPA's newly enacted Clean Water Rule?

I am on deadline with this article and I need to finish it by the end of today. I would like to hear from you by 3:30 p.m. Eastern Time today or as soon as you get a chance to call me at (214) 744-7765.

Thank you very much for your assistance in this matter.

Best regards,

Angela Neville
Energy Reporter
Texas Lawyer

1999 Bryan St., Suite 825 | Dallas, TX 75201
T: 214-744-7765 | F: 214-741-2325
Email: aneville@alm.com
www.TexasLawyer.com

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From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 3:46 PM
To: Alice Kleinpeter
Subject: RE: epa statement on WOTUS

On it. Someone should be getting back to you soonest.

Thanks, R.

From: Alice Kleinpeter [mailto:Alice.Kleinpeter@1011now.com]
Sent: Wednesday, July 01, 2015 3:38 PM
To: Daguillard, Robert
Subject: epa statement on WOTUS

Hi Robert,

Thank you for getting back to me today. I'm putting together a report on the Nebraska Gov. and other agencies responding to the WOTUS rule. I understand you will be sending a statement. Any response on the Nebraska AG filing legal action along with 12 other states. Also can you respond to Common SENSE Nebraska and others citing the rule as being unclear. Thank you for any and all help.

Best

Alice Kleinpeter
480.374.9149
alice.kleinpeter@1011now.com

Sent from my Verizon Wireless 4G LTE smartphone

From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 3:37 PM
To: Frank Giles
Subject: RE: Press Inquiry about Watersheds

There yeh go.

Exemptions and exclusions are discussed in regard to the Clean Water Rule. Generally exemptions are for activities that do not require a permit and exclusions refer to waters that are not covered under the Clean Water Act.

From: Frank Giles [mailto:FGiles@meistermedia.com]
Sent: Wednesday, July 01, 2015 3:32 PM
To: Daguillard, Robert
Subject: RE: Press Inquiry about Watersheds

Thank you

From: Daguillard, Robert [mailto:Daguillard.Robert@epa.gov]
Sent: Wednesday, July 01, 2015 3:31 PM
To: Frank Giles
Subject: RE: Press Inquiry about Watersheds

Understood. I expect we'd have something for you well before then.

Best, R.

From: Frank Giles [mailto:FGiles@meistermedia.com]
Sent: Wednesday, July 01, 2015 3:31 PM
To: Daguillard, Robert
Subject: RE: Press Inquiry about Watersheds

Next week. Wednesday. Thanks!

From: Daguillard, Robert [mailto:Daguillard.Robert@epa.gov]
Sent: Wednesday, July 01, 2015 3:21 PM
To: Frank Giles
Subject: RE: Press Inquiry about Watersheds

Good afternoon Frank,

Just acknowledging receipt. What's your deadline?

Thanks in advance, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency

Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)

From: Frank Giles [<mailto:FGiles@meistermedia.com>]
Sent: Wednesday, July 01, 2015 3:20 PM
To: Daguillard, Robert
Subject: Press Inquiry about Watersheds

Hi Robert,
I hope all is well. I sat in on the media conference call announcing the final WOTUS rule. At one point in the conversation, the Administrator McCarthy said that one item was "exempt" from the rule. Then someone in the room spoke up to correct her that there was an "exception" for this particular item.

My question just for clarification is: What is the difference between an exemption and an exception in the final WOTUS rules?

Best Regards

Frank Giles | [Editor](#)
[Meister Media Worldwide](#) | Horticulture Group
1555 Howell Branch Road; C-204 | Winter Park, FL 32789
O: 407-539-6552, ext 12 | F: 407-539-6544
Follow Me At: [FrankFLG](#)

[Florida Grower](#)
[GrowingProduce.com](#)

From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 3:31 PM
To: Frank Giles
Subject: RE: Press Inquiry about Watersheds

Understood. I expect we'd have something for you well before then.

Best, R.

From: Frank Giles [mailto:FGiles@meistermedia.com]
Sent: Wednesday, July 01, 2015 3:31 PM
To: Daguillard, Robert
Subject: RE: Press Inquiry about Watersheds

Next week. Wednesday. Thanks!

From: Daguillard, Robert [mailto:Daguillard.Robert@epa.gov]
Sent: Wednesday, July 01, 2015 3:21 PM
To: Frank Giles
Subject: RE: Press Inquiry about Watersheds

Good afternoon Frank,

Just acknowledging receipt. What's your deadline?

Thanks in advance, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)

From: Frank Giles [mailto:FGiles@meistermedia.com]
Sent: Wednesday, July 01, 2015 3:20 PM
To: Daguillard, Robert
Subject: Press Inquiry about Watersheds

Hi Robert,
I hope all is well. I sat in on the media conference call announcing the final WOTUS rule. At one point in the conversation, the Administrator McCarthy said that one item was "exempt" from the rule. Then someone in the room spoke up to correct her that there was an "exception" for this particular item.

My question just for clarification is: What is the difference between an exemption and an exception in the final WOTUS rules?

Best Regards

Frank Giles | Editor

[Meister Media Worldwide](#) | Horticulture Group

1555 Howell Branch Road; C-204 | Winter Park, FL 32789

O: 407-539-6552, ext 12 | F: 407-539-6544

Follow Me At: [FrankFLG](#)

Florida Grower

GrowingProduce.com

From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 3:21 PM
To: Frank Giles
Subject: RE: Press Inquiry about Watersheds

Good afternoon Frank,

Just acknowledging receipt. What's your deadline?

Thanks in advance, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)

From: Frank Giles [mailto:FGiles@meistermedia.com]
Sent: Wednesday, July 01, 2015 3:20 PM
To: Daguillard, Robert
Subject: Press Inquiry about Watersheds

Hi Robert,
I hope all is well. I sat in on the media conference call announcing the final WOTUS rule. At one point in the conversation, the Administrator McCarthy said that one item was "exempt" from the rule. Then someone in the room spoke up to correct her that there was an "exception" for this particular item.

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[GrowingProduce.com](#)

From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 3:00 PM
To: mollie.bryant@amarillo.com
Subject: As promised: Clean Water Rule
Attachments: BLOG What to Know About the CWR.docx; FACT SHEET Agriculture CWR 5.10.15.docx; FACT SHEET Fact Check CLEAN WATER RULE.pdf; 55946319.mp3

Dear Mollie, please find the attached materials. Also, please see our news release at

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceecac8525735900400c27/62295cddd6c6b45685257e52004fac97!OpenDocument>

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (o)
+1 (202) 360-0476 (cel)

From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 12:56 PM
To: Angela Neville
Subject: RE: Quick Interview about State of Texas' Suit against EPA Over New "Clean Water Rule" (for Short Article in Texas Lawyer Newspaper)

Hullo Ms. Neville,

Just a quick word to acknowledge receipt. Someone should be getting back to you soonest.

Thanks, R.

From: Angela Neville [mailto:ANeville@alm.com]
Sent: Wednesday, July 01, 2015 12:53 PM
To: Daguillard, Robert
Subject: Quick Interview about State of Texas' Suit against EPA Over New "Clean Water Rule" (for Short Article in Texas Lawyer Newspaper)

July 1, 2015

Mr. Robert Daguillard
Press Officer /Watersheds
U.S. Environmental Protection Agency
Washington, D.C.

RE: *State of Texas et al v. U.S. EPA*, Civil Action No. 3:15-cv-00162, U.S. District Court, Southern District of Texas, Galveston Division

Dear Mr. Daguillard:

I would like to talk to you or another EPA press officer this afternoon to ask you some quick interview questions about the above referenced case that was filed recently against the EPA by a number of state agencies pertaining to its recently enacted rule ("Clean Water Rule: Definition of 'Waters of the United States'"), 80 Federal Register 37,054, (June 29, 2015).

I would like to hear from you by 3:30 p.m. Eastern Time (2:30 p.m. Central Time) today or as soon as you get a chance to call me at (214) 744-7765.

Here are the proposed questions that I would like you to answer. I would appreciate it if you would limit your response to each question to 50 to 100 words since I have to keep my article fairly short (a total length of 500 to 600 words). If it is easier for you, you can respond in writing to the questions listed below:

1. What is EPA's position about the State of Texas bringing this lawsuit to vacate EPA's newly enacted Clean Water Rule? Does EPA intend to vacate this rule since it is meeting with strong criticism from several states?
2. In particular what concerns do Texas officials have about the impact of this rule on the operations of the oil and gas sector in Texas? How does the EPA intend to defend this new rule in relation to all the criticism about it?
3. Do you anticipate that this litigation will be settled in a short amount of time or will it probably be a long, drawn-out legal battle.
4. Do you have any other comments to make about EPA's newly enacted Clean Water Rule?

I am on deadline with this article and I need to finish it by the end of today. I would like to hear from you by 3:30 p.m. Eastern Time today or as soon as you get a chance to call me at (214) 744-7765.

Thank you very much for your assistance in this matter.

Best regards,

Angela Neville
Energy Reporter
Texas Lawyer

1999 Bryan St., Suite 825 | Dallas, TX 75201
T: 214-744-7765 | F: 214-741-2325
Email: aneville@alm.com
www.TexasLawyer.com

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From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 12:36 PM
To: Nick Bergin
Subject: RE: News Release - Gov. Ricketts, Nebraska Coalition Applaud Attorney General, Say Fix Needed for Water Rule

Hullo Nick,

Just a quick word to acknowledge receipt. Someone should be getting back to you soonest.

Thanks, R.

From: Nick Bergin [mailto:NBERGIN@journalstar.com]
Sent: Wednesday, July 01, 2015 12:34 PM
To: Daguillard, Robert
Subject: FW: News Release - Gov. Ricketts, Nebraska Coalition Applaud Attorney General, Say Fix Needed for Water Rule

Robert,

I'm writing an article about pushback against the finalized Waters of the U.S. rule from folks in Nebraska, including Gov. Pete Ricketts. Would the EPA care to offer comment for the article?

I have included a press release from Common Sense Nebraska below.

Thank you,

Nicholas Bergin
Reporter | Lincoln Journal Star
p: 402.473.7304 | f: 402.473.7291
926 P St. | Lincoln, NE 68508

From: Kylee Planer [mailto:kyleep@nefb.org] **On Behalf Of** Craig Head
Sent: Wednesday, July 01, 2015 10:07 AM
To: sscollard@siouxlandnews.com; jheller@siouxlandnews.com; news@siouxlandnews.com; amanda.turner@kgwn.tv; anthonykeith@kgwn.tv; news@kgwn.tv; jon.vanderford@1011now.com; tony.ullrich@1011now.com; stephanie.hedrick@1011now.com; david.jespersen@1011now.com; amber.smith@1011now.com; alan.uerling@nbcneb.com; kim.cung@nbcneb.com; bob.jorgensen@1011now.com; desk@1011now.com; news@nebraska.tv; mweesner@nebraska.tv; swhite@nebraska.tv; calkire@nebraska.tv; mbarnett@nebraska.tv; rlewis@nebraska.tv; jcornell@hearst.com; news@ketv.com; amcrawford@hearst.com; 8@klkntv.com; mhaggard@klkntv.com; rrech@klkntv.com; dkellogg@netnebraska.org; news@netNebraska.org; dfeingold@netNebraska.org; knop@knoptv.com; adam.uhernik@1011now.com; Jacquelyn.Olson@1011now.com; aflores@jrn.com; news@action3news.com; jspadea@jrn.com; news42@kptm.com; ssmith@kptm.com; sixonline@wowt.com; leanne.morman@wowt.com; john.knicely@wowt.com; patrick@kotatv.com; pdobbs@kotatv.com; jpetersen@kotatv.com; brandon@kotatv.com; jbrooks@kcautv.com; news@kcautv.com; aebottger@gmail.com; abottger@kcautv.com; dday@ktiv.com; ktivnews@ktiv.com; katie@rfdtv.com; jerry@kotatv.com; jholmes@siouxlandnews.com; fknappp@netnebraska.org; newstips@kotanow.com; jeffsabin@wowt.com; mjohnson@nebraska.tv; aflores@jrn.com; jegbert@jrn.com; jerry.howard@kmtv.com; jeanne.roubidoux@kmtv.com;

White, Candace

From: Daguiard, Robert
Sent: Thursday, May 28, 2015 4:20 PM
To: Saiyid, Amena
Subject: Re: quick question to clarify

When it says existing rule it is referring to the old rule, which is the rule in effect right now. The new Clean Water Rule becomes effective 60 days after publication in the Federal Register. That is being referred to as the “new rule

Sent from my iPhone

On May 27, 2015, at 1:04 PM, Saiyid, Amena <ASaiyid@bna.com> wrote:

Taken verbatim from the final rule: “As a general matter, the agencies’ actions are governed by the rule in effect at the time the agency issues a jurisdictional determination or permit authorization, not by the date of a permit application, request for authorization, or request for a jurisdictional determination. However, any jurisdictional determinations issued prior to the effective date of the rule and jurisdictional determinations associated with permit applications deemed by the Corps to have been complete on the date this rule is published in the Federal Register, including complete pre-construction notifications, will be made consistent with the existing rule, unless the applicant requests that its approved jurisdictional determination or permit authorization be decided after the effective date of the new rule.”

Which existing rule the final one or what was before? Am confused.

Amena H. Saiyid
Water Pollution Reporter
Bloomberg BNA
Direct 703.341.3695
Mobile 571.319.6682
asaiyid@bna.com
twitter: amenasaiyid

gschulte@ap.org; jfunk@ap.org; omahane@ap.org; kanderson@brownfieldnetwork.com; slittlefield@digity.me; clinville@digity.me; [kawlam.com](mailto:kawl@kawlam.com); kbrb@sscg.net; bryan@highplainsradio.net; contact@kcmifm.com; julie@sandhillsexpress.com; kevin@chadrad.com; kcsr@chadrad.com; roxie@chadrad.com; garysadlemyer@clearchannel.com; news@kfab.com; goodmorningshow@kfab.com; KarlaJames@clearchannel.com; amig@broadcasthouse.com; salbertsen@broadcasthouse.com; djohnson@digity.me; kfornews@digity.me; cbrogan@digity.me; saltmaier@nrgmedia.com; brandon@khasradio.com; cgreen@walnutradio.com; dean@us92.com; krnu@unl.edu; generalmanager@kkpr.com; tyson@khasradio.com; news@klin.com; sunny1013fm@hotmail.com; kmmj@kmmj.org; dan@bigappleradio.am; andrew@bigappleradio.am; hhale@kneb.com; clarson@kneb.com; news@kneb.com; kmooney@kneb.com; tonya@94rock.fm; Eric@94rock.fm; knlv@yahoo.com; knlvnews@yahoo.com; alacy@huskeradio.com; rmandeville@huskeradio.com; coreyandersen@iheartmedia.com; Nnelkin@nrgmedia.com; kyle@bluffsbroadcasting.com; michael@bluffsbroadcasting.com; northplatenews@gmail.com; ckradio@yahoo.com; krfsfm@yahoo.com; ralloway1@unl.edu; amihm@nrgmedia.com; asmith@krvn.com; mleporte@krvn.com; mbohling@krvn.com; bbrogan@krvn.com; dnelson@krvn.com; thetwister@ksdzfm.com; dave@ksidrдио.com; ktch@ktch.com; rvincent@kticradio.com; cmoyer@kticradio.com; ktnc@sentco.net; eric@us92.com; kuttpd@diodecom.net; kutt@diodecom.net; kuttnews@diodecom.net; news@kvsh.com; mike@kvsh.com; kwbedave@diodecom.net; kwbedoug@diodecom.net; kwbe@diodecom.net; news@kynt1450.com; jp@kzfx.com; news@KSCJ.com; radio@netNebraska.org; news@netNebraska.org; paul@wjag.com; susan@wjag.com; farm@wnax.com; mrrook@wnax.com; news@kgoskerm.com; matt@hometownfamilyradio.com; jharding@krvn.com; jgangwish@krvn.com; agnews@krvn.com; jnickel@digity.me; lzehr@digity.me; shardesty@digity.me; josh@hometownfamilyradio.com; jpellatz@nelighnews.com; jwright@nelighnews.com; elgnrev@gpcom.net; orchardnews@juno.com; tildencitizen@cablone.net; 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sentinel@midlands.net; nbeagle@gmail.com; nbepress@gmail.com; editor@dcpostgazette.com; news@papilliontimes.com; adam.klinker@ralstonrecorder.com; jfred@gpcom.net; bpost@bwtelcom.net; news@thenebraskasignal.com; signal@thenebraskasignal.com; frcochron@gtmc.net; tori@hilineenterprise.com; arapmir@atcjet.net; clarion@cambridgeclarion.com; oxstandard@yahoo.com; arborstate@diodecom.net; wymorearborstate@windstream.net; gcnews@embarqmail.com; bwtrib@tribune2000.com; arapmir@atcjet.net; gcn@neb-sandhills.net; greeleycitizen@centercable.TV; spalding2002@hotmail.com; connie@phonographherald.com; info@cairorecord.com; doniphan_herald@yahoo.com; newsregister@hamilton.net; journal@frontiernet.net; jfred@gpcom.net; hcn@gpcom.net; news@atkinsongraphic.com; editor@holtindependent.com; tribune@nebnet.net; connie@phonographherald.com; Jim.Headley@fairburyjournalnews.com; locals@tecumsehchieftain.com; mindencourier@gtmc.net; newsboy@ogallalaknews.com; editor@springviewherald.com; editor@westernnebraskaobserver.net; bmonitor@yahoo.com; jwright@creightonnews.com; journal@gpcom.net; niobaratribune@yahoo.com; verdigreeagle@gpcom.net; nenebnews@hartel.net; mywausanews@gmail.com; voicenews@inebraska.com; erik.dodge@newswaverly.com; george@northplattebulletin.com; suthcourier@gpcom.net; suthcourier@gpcom.net; creativeprinters@gpcom.net; battlecreekent@telebeep.com; starmail@frontiernet.net; editor@ngreporter.com; jensenpub@hamilton.net; palmerjournal@hotmail.com; btranscript@gmail.com; news@newsblade.net; journal@qwestoffice.net; glitimes@cablene.com; kendall@anewspaper.net; nclgnews@gmail.com; tse@superiorne.com; ronald@pawneenews.com; grantrib@gpcom.net; bertrandherald@gmail.com; osmondnews@abbnebraska.com; pierceleader@ptcnet.net; plvwnews@plvwtelco.net; hydemon@megavision.com; polkcountynews@yahoo.com; kziehm@morningagclips.com; fcjournal1@sentco.net; hs40231@windstream.net; news@rcleader.com; newsdesk@cretenews.net; jillmartin@sewardindependent.com; wilberrepublican@windstream.net; news@bellevueleader.com; frontdesk@gretnaguide.com; eugene.curtin@papilliontimes.com; news@papilliontimes.com; news@ashland-gazette.com; suzi.nelson@ashland-gazette.com; news@wahoonepaper.com; lisa.brichacek@wahoonepaper.com; brad.staman@geringcourier.com; theindex@centurylink.net; farmnews@thebusinessfarmer.com; jillmartin@sewardindependent.com; jordan.scjs@gmail.com; sctimes@inebraska.com; register@stanton.net; deshlerrustler@gpcom.net; hebronjr@windstream.net; ptimes@huntel.net; quiz@frontiernet.net; news@enterprisepub.com; melissa@wayneherald.com; bluehillleader@gtmc.net; chief@gpcom.net; servpress@mainstaycomm.net; blazintrailstribune@yahoo.com;

news@tricitytrib.com; steve.frederick@starherald.com; jbrock@ncnewspress.com; kyoung@thefencepost.com; Terry Anderson; athnews@alliancetimes.com; tom@alliancetimes.com; pethridge@beatricdailysun.com; jdean@columbustelegram.com; jdean@columbustelegram.com; Fremont Newsroom; newsdesk@theindependent.com; tribune@hastingstribune.com; Dave Bundy; editor@mccookgazette.com; editor2@ocsmccook.com; ralph.chapoco@nptelegraph.com; webmaster@nptelegraph.com; brian@omahadailyrecord.com; mike.reilly@owh.com; steve.frederick@starherald.com; info@suntelegraph.com; melanie.wilkinson@yorknewstimes.com; lori.potter@kearneyhub.com; mike.konz@kearneyhub.com; holdregecitizennews@yahoo.com; mhoag@norfolkdailynews.com; robert.pore@theindependent.com; kziehm@morningagclips.com; dmccabe@farmprogress.com; ken@agview.net; skingery@NECATTLEMEN.ORG; paul.hammel@owh.com; advisory@frontiernet.net; Nick Bergin; tharris@farmprogress.com; Rachel Sweet; Eric Vickers; Michael Dijak; Michael Baber; Lori Good-Baker; Alisa Schlueter; ericka.albrecht@gmail.com; Alan Gunther; Dick Brethauer; Al Stelling; Phil Hinrichs; Carmen.lechtenberg@fbfs.com; Denise Zabka; Jill Scott; Molly Stewart; Melisa Salter; Theodore Baseggio; Jennifer Hampton; Paul A Johnson; Craig Head; Tina Henderson; Cassie Hoebelheinrich; editor@norfolkdailynews.com; kamie.stephen@nptelegraph.com

Subject: News Release - Gov. Ricketts, Nebraska Coalition Applaud Attorney General, Say Fix Needed for Water Rule

Note – Members of Nebraska’s Congressional Delegation were unable to attend today’s Common Sense Nebraska news events, however, they have provided the following statements for utilization by news media regarding EPA and the Corps Waters Rule. Statements are attached and located below in this email. Please contact the individual Congressional offices for further comment.

COMMON SENSE NEBRASKA

FOR IMMEDIATE RELEASE
July 1, 2015 10 a.m. (CDT)

CONTACT:
Craig Head, vice president/issue management, Nebraska Farm Bureau Federation 402-432-4723

Gov. Ricketts, Nebraska Coalition Applaud Attorney General, Say Fix Needed for Water Rule

LINCOLN, NEB. – The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) final “Waters of the U.S.” Rule (the Rule) will be damaging to Nebraska’s agriculture and business sectors, while driving up costs for local governments. Those sentiments were shared by Gov. Pete Ricketts and members of the “Common Sense Nebraska Coalition” July 1, during a news conference in which they applauded Nebraska Attorney General Doug Peterson for including Nebraska in a multi-state lawsuit against the EPA and the Corps redefining “Waters of the United States” under the Clean Water Act (CWA).

“In spite of concerns from numerous Nebraskans about its impact, the EPA has issued the new Waters of the U.S. regulation that will be harmful to Nebraskans. Federal regulations that needlessly place a new burden on Nebraska farms and businesses, while increasing costs for counties and other local governments, create new hurdles to growing Nebraska’s economy,” said Gov. Ricketts.

The EPA and the Corps filed the regulation June 29, which starts the 60-day clock in which the Rule will become the law of the land. The Rule has been widely criticized by Nebraska interests as a means for the agencies’ to expand their powers and jurisdiction under the CWA by broadening the scope of waters, and more importantly, land features, that would be regulated as “Waters of the U.S.”

“This is about federal agencies seeking to control what happens on private property by significantly expanding who and what land features are subject to federal permitting requirements. It has the potential to be a regulatory nightmare for anyone who turns the soil, including everyone from farmers, to golf course managers and everyone in between,” said Steve Nelson, spokesman for Common Sense Nebraska and president of the Nebraska Farm Bureau.

Mike Linder, an Omaha attorney and former director of the Nebraska Department of Environmental Quality (NDEQ) was contracted by the Common Sense Nebraska Coalition to provide Nebraska- based analysis of the impacts of the final rule. According to Linder, the EPA made some improvements, from the Agencies’ original proposal, but also created new areas of uncertainty and have developed a rule that will expand the reach of federal jurisdiction under the CWA.

“While the revisions answered some of the questions, many are yet to be resolved. In addition, the Agencies’ new approach of a formula driven process which automatically covers many water types for federal jurisdiction creates a whole new area of uncertainty in terms of what will and won’t be regulated,” said Linder.

That uncertainty is at the heart of the need for a fix to the Rule. With the state of Nebraska already filing legal action, Common Sense Nebraska Coalition members point to Congressional action as another solution.

“Legislation pending in both the U.S. House and U.S. Senate would require the Agencies’ to go back to the drawing board. From a Coalition perspective that is likely to be the fastest way to resolve the issue and we know members of Nebraska’s Congressional delegation have supported a fix. The clock is now ticking on implementation and based on what we know from our in-state analysis, working through the Rule as it sets today will, without question, cause counties to delay maintenance on our rural road ditches due to the permitting required to implement the Rule,” said Larry Dix, Common Sense Nebraska spokesman, and executive director of the Nebraska Association of County Officials.

Linder’s analysis is available by visiting Common Sense Nebraska on Facebook.

Common Sense Nebraska is a diverse, Nebraska-based coalition consisting of organizations and entities that have united in response to the EPA’s “Waters of the U.S.” Rule; a regulatory proposal that would harm both rural and urban Nebraskans through expansion of the EPA’s powers and authorities under the federal Clean Water Act. The coalition’s purpose is to build awareness and understanding of the EPA proposal and the impacts it would have to Nebraskans. For more information visit Common Sense Nebraska on Facebook.

Common Sense Nebraska Coalition members include:

AKSARBEN Club Managers Association
Association of General Contractors - NE Chapter
Farm Credit Services of America
Iowa-Nebraska Equipment Dealers Association
National Federation of Independent Businesses/Nebraska
Nebraska Agribusiness Association
Nebraska Association of County Officials
Nebraska Association of Resource Districts
Nebraska Bankers Association
Nebraska Cattlemen
Nebraska Chamber of Commerce and Industry
Nebraska Cooperative Council
Nebraska Corn Board
Nebraska Corn Growers Association
Nebraska Farm Bureau Federation
Nebraska Golf Course Superintendents Association
Nebraska Grain and Feed Association

Nebraska Grain Sorghum Association
Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association
Nebraska State Dairy Association
Nebraska State Home Builders Association
Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Growers Association
Nemaha Natural Resources District
Pawnee County Rural Water District #1

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COMMON SENSE NEBRASKA

FOR IMMEDIATE RELEASE
July 1, 2015 10 a.m. (CDT)

CONTACT:
Craig Head, vice president/issue management, Nebraska Farm Bureau Federation 402-432-4723

Nebraska Congressional Delegation Statements Regarding EPA and the U.S. Army Corps of Engineers Waters Rule

"Today's analysis confirms that agriculture producers will face real uncertainty and increased costs due to the federal government's WOTUS rule. This study also warns of new threats to Nebraska's successful state-led water quality programs. The rule puts in jeopardy the long-standing 'waters of the state' definition.

"We are seeing more problems and little relief. Simply put, the WOTUS rule will cause great harm to landowners, local governments, and families across Nebraska. This is wrong and I will continue to fight against it."

U.S. Sen. Deb Fischer

"The EPA has overreached yet again by expanding their control over our state's water resources. Nebraska farmers, ranchers, communities and businesses know the best stewardship of our state's natural resources and do not need this burdensome federal regulation to protect our water. This bureaucratic power grab is ill-conceived and does nothing to increase water quality in Nebraska."

U.S. Sen. Ben Sasse

"As a cosponsor of the Regulatory Integrity Protection Act, I oppose efforts by the EPA to unilaterally impose a one-size fits all ruling defining protected waterways. I support locally-sensitive legislation to establish responsible environmental solutions while ensuring Nebraska's agriculture, construction, and energy sectors continue to thrive."

U.S. Rep. Brad Ashford (D – NE 2nd)

“The EPA’s Waters of the U.S. rule, now published in the Federal Register, poses a significant threat to our agriculture economy and remains one of the top concerns for Nebraska farmers. I appreciate Governor Ricketts joining with the Common Sense Nebraska Coalition to demonstrate our state’s opposition to this unprecedented regulatory overreach. Additionally, the release of former Nebraska Department of Environmental Quality director Mike Linder’s study on the Waters of the U.S. rule brings the potentially damaging impacts of this sweeping regulation even closer to home.”

“Though the Obama administration has finalized its Waters of the U.S. rule, we will continue taking legislative action in Washington to prevent the rule from being implemented. The Supreme Court’s ruling against EPA overreach earlier this week also is a heartening step toward reining in this out-of-control federal agency and protecting Nebraskans and people across the country from its unilateral regulations.”

U.S. Rep. Adrian Smith (R – NE 3rd)

Common Sense Nebraska is a diverse, Nebraska-based coalition consisting of organizations and entities that have united in response to EPA’s “Waters of the U.S.” Rule; a regulatory proposal that would harm both rural and urban Nebraskans through expansion of EPA’s powers and authorities under the federal Clean Water Act. The coalition’s purpose is to build awareness and understanding of the EPA proposal and the impacts it would have to Nebraskans. For more information visit Common Sense Nebraska on Facebook.

“Environmental cooperation has been replaced with environmental acrimony. We all share the goal of clean air and water and the EPA should view the states as partners in that goal, instead of trying to seize authority.”

U.S. Rep. Jeff Fortenberry (R-NE 1st)

Common Sense Nebraska Coalition members include:

AKSARBEN Club Managers Association
Association of General Contractors - NE Chapter
Farm Credit Services of America
Iowa-Nebraska Equipment Dealers Association
National Federation of Independent Businesses/Nebraska
Nebraska Agribusiness Association
Nebraska Association of County Officials
Nebraska Association of Resource Districts
Nebraska Bankers Association
Nebraska Cattlemen
Nebraska Chamber of Commerce and Industry
Nebraska Cooperative Council
Nebraska Corn Board
Nebraska Corn Growers Association
Nebraska Farm Bureau Federation
Nebraska Golf Course Superintendents Association
Nebraska Grain and Feed Association
Nebraska Grain Sorghum Association
Nebraska Grain Sorghum Board
Nebraska Pork Producers Association
Nebraska Poultry Industries
Nebraska Rural Electric Association
Nebraska Soybean Association
Nebraska State Dairy Association
Nebraska State Home Builders Association

From: Daguillard, Robert
Sent: Wednesday, July 01, 2015 8:45 AM
To: Molly Christian
Subject: RE: Comment on states suit against new WOTUS rule

Wonderful. Thank you!

From: Molly Christian [mailto:mchristian@snl.com]
Sent: Wednesday, July 01, 2015 8:45 AM
To: Daguillard, Robert
Subject: Re: Comment on states suit against new WOTUS rule

Thanks Robert! I got it yesterday :)

On Tuesday, June 30, 2015, Daguillard, Robert <Daguillard.Robert@epa.gov> wrote:

Hey Molly. Someone should be getting back to you soonest on this issue.

From: Molly Christian [mailto:mchristian@snl.com]
Sent: Tuesday, June 30, 2015 2:16 PM
To: Daguillard, Robert
Subject: Comment on states suit against new WOTUS rule

Hi Robert!

Molly Christian here with SNL Energy again. I was emailing to see if the EPA had any comment on the 13 states suing EPA and the Army Corps of Engineers over the new Waters of the US rule. I know you typically can't comment on pending litigation but thought I'd see.

Thanks,
Molly

--

Molly Christian
Senior Reporter, Coal

SNL Energy

1700 N. Moore St. Suite 1110,

Arlington, VA 22209

703-373-0163 *p* | 703-373-0159 *f*

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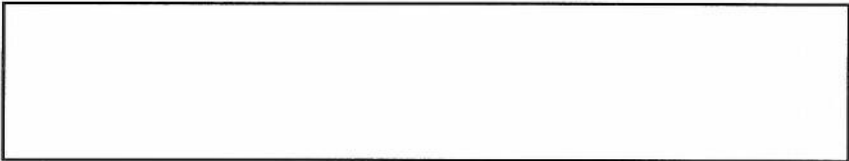


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Nebraska State Irrigation Association
Nebraska Water Resources Association
Nebraska Wheat Growers Association
Nemaha Natural Resources District
Pawnee County Rural Water District #1

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Craig Head
Vice President/Issue Management
Nebraska Farm Bureau Federation®
5225 S. 16th St., Lincoln, NE 68512
P.O. Box 80299, Lincoln, NE 68501
Phone: 402-421-4435
Cell: 402-432-4723
Fax: 402-421-4761
craigh@nefb.org
www.nefb.org

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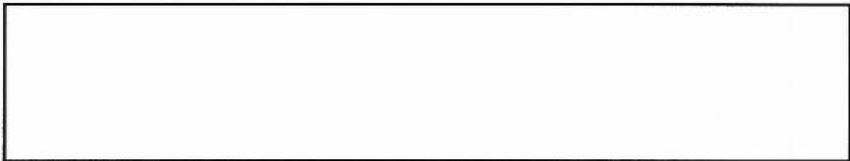
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Senior Reporter, Coal
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Arlington, VA 22209

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From: Daguillard, Robert
Sent: Tuesday, June 30, 2015 3:25 PM
To: Molly Christian
Subject: RE: Comment on states suit against new WOTUS rule

Hey Molly. Someone should be getting back to you soonest on this issue.

From: Molly Christian [mailto:mchristian@snl.com]
Sent: Tuesday, June 30, 2015 2:16 PM
To: Daguillard, Robert
Subject: Comment on states suit against new WOTUS rule

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Molly Christian
Senior Reporter, Coal
SNL Energy

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Arlington, VA 22209
703-373-0163 *p* | 703-373-0159 *f*

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From: Daguillard, Robert
Sent: Tuesday, June 30, 2015 2:29 PM
To: Estep, Bill
Subject: RE: Question re Clean Water Rule

Sure thing.

From: Estep, Bill [mailto:bestep@herald-leader.com]
Sent: Tuesday, June 30, 2015 1:27 PM
To: Daguillard, Robert
Subject: Re: Question re Clean Water Rule

Thanks so much.

On Tue, Jun 30, 2015 at 1:20 PM, Daguillard, Robert <Daguillard.Robert@epa.gov> wrote:

Hullo Bill,

Thanks for reaching out. Someone should get back to you soonest.

From: Estep, Bill [mailto:bestep@herald-leader.com]
Sent: Tuesday, June 30, 2015 12:15 PM
To: Daguillard, Robert; Younes, Lina
Subject: Question re Clean Water Rule

Hi. This message is from Bill Estep. I am a reporter at the Lexington (KY) Herald-Leader.

I'm writing a story on a legal challenge involving an EPA rule, and want to clarify something.

The lawsuit refers to the rule as the Waters of the U.S. rule. I assume that's the same thing as the Clean water Rule finalized in May by EPA and the Corps of Engineers, but I need to confirm that. I saw you listed as contacts on the release on the Clean Water Rule.

Also, I've seen a good deal of information on the EPA site about the Clean Water Rule, but I wonder if the EPA has issued a specific response to challenges that have come up. The release about the lawsuit I'm covering, for instance, which the state AG has joined, says homeowners would have to get permits to dig ditches, build fences or spray fertilizer. That's not me read on the information onthe EPA site, so if the agency has issued a response to such claims, I'd like to include it.

I'm on deadline for 5:30 p.m. Eastern today, if either of you has time to respond.

Thank you.

--

Bill Estep

Lexington Herald-Leader

kentucky.com

[\(606\)521-9607](tel:(606)521-9607)

--
Bill Estep
Lexington Herald-Leader
kentucky.com
[\(606\)521-9607](tel:(606)521-9607)

From: Daguillard, Robert
Sent: Tuesday, June 30, 2015 1:21 PM
To: Estep, Bill;Younes, Lina
Subject: RE: Question re Clean Water Rule

Hullo Bill,

Thanks for reaching out. Someone should get back to you soonest.

From: Estep, Bill [mailto:bestep@herald-leader.com]
Sent: Tuesday, June 30, 2015 12:15 PM
To: Daguillard, Robert; Younes, Lina
Subject: Question re Clean Water Rule

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Thank you.

--
Bill Estep
Lexington Herald-Leader
kentucky.com
(606)521-9607

From: Daguillard, Robert
Sent: Tuesday, June 30, 2015 12:21 PM
To: Kamalick, Joe (RBI-UK)
Subject: RE: Press Inquiry about Texas et al. suit over WOTUS rule

Hey Joe,

Thanks for reaching out. We hope to have something for you soonest.

Best, R.

From: Kamalick, Joe (RBI-UK) [mailto:Joe.Kamalick@icis.com]
Sent: Tuesday, June 30, 2015 11:30 AM
To: Daguillard, Robert
Subject: Press Inquiry about Texas et al. suit over WOTUS rule

Hello, Robert –

I wondered if the EPA has any response to the suit filed in federal court in Texas yesterday by the Texas attorney general and two of his colleagues from La. and Miss. challenging the WOTUS rule?

Many thanks,

Joe

Joe Kamalick
Chief Correspondent – The Americas
Email: joe.kamalick@icis.com

Mobile: +1 202 215 4292
Tel: +1 703 836 3448
www.icis.com



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From: Daguillard, Robert
Sent: Tuesday, June 30, 2015 12:21 PM
To: Bryan Horwath
Subject: RE:

Hey Bryan,

Yes, I've forwarded your request to our Press Secretary's office. I imagine you're referring to the multi-state lawsuit, right?

R.

From: Bryan Horwath [mailto:bhorwath@aberdeennews.com]
Sent: Tuesday, June 30, 2015 11:02 AM
To: Daguillard, Robert
Subject: Re:

Ok.....when?

Bryan

On Jun 29, 2015, at 4:58 PM, Daguillard, Robert <Daguillard.Robert@epa.gov> wrote:

We'll send you a statement

Sent from my iPhone

On Jun 29, 2015, at 5:26 PM, Bryan Horwath <bhorwath@aberdeennews.com> wrote:

What is new as of today with the Clean Water Rule?

Bryan Horwath
Business and consumer reporter
American News
Office: 605-622-2319
Mobile: 715-577-5262
Email: bhorwath@aberdeennews.com
Twitter: [@bryan_horwath](https://twitter.com/bryan_horwath)